

HB658: Summary of selected sections as passed by the House

HB 658, sponsored by Rep. Micky Hammon, proposes changes to last year’s harsh anti-immigrant law, which Hammon co-authored with Sen. Scott Beason. Introduced on April 5, HB 658 affects most of the sections of HB 56 but does not repeal any of them. In most areas, it falls short of the changes recommended by Attorney General Luther Strange in his Dec. 1, 2011, letter to legislators. Amended on April 17 in the House Committee on Public Safety & Homeland Security, it passed the House on April 19.

Sections of HB 56 modified	What those sections concern	Modifications proposed by HB 658	Strange Memo	Comments
Sections 5 and 6	Enforcement of the law	1) Eliminates the ability of citizens to sue to enforce HB 56 2) Creates “officer of the court” exception for attorneys	Suggests full repeal	1) Replaces citizen lawsuits with a complicated process requiring people to ask the AG or the DA to sue. Makes HB 56 a little harder to enforce and reduces litigation. Good change, but not ideal. 2) Good change, but should also include bailiffs, judges, and others as “officers of the court.”
Section 8	Postsecondary education	Allows asylum seekers and refugees to attend postsecondary schools	Allow asylum seekers and refugees to attend post-secondary schools	Good to allow these two groups access to college, but no relief for undocumented immigrants. Makes law easier to defend in court. Mixed result.
Section 10	Must have ID	Almost trivial tweaks to kinds of ID allowed	Suggests full repeal	Will remain a state crime to fail to carry registration documents. Change is minimal.
Section 11	Soliciting work	Virtually no changes	N/A	Change is minimal.

Section 12	Police stops and probable cause	Several changes: 1) limits to traffic citations and arrests 2) expands reach of probable cause to other passengers 3) lengthens time police can hold suspects (from 24 to 48 hours)	N/A	1) Good change, but limited usefulness (still open to abuse) 2) Very bad change. Should be opposed. 3) Very bad change. Should be opposed.
Section 13	Harboring, transporting, sheltering	Several changes: 1) eliminates the crime of renting to an undocumented immigrant 2) creates exception allowing “a church or church-affiliated organization” to “minister to or provide material goods or services to” undocumented immigrants 3) deletes the provision banning inducing an undocumented immigrant to enter Alabama or reside here, 4) reduces the number of immigrants you can harbor before it becomes a felony (from 10 to 5)	1) eliminate specification that renting is harboring 2) create an exception for religious activities 3) repeal section about encouraging and inducing an alien to come to the state; 4) eliminate the conspiracy provision 5) specify that Sec. 13 will be interpreted like federal law	Makes 3 important changes that Strange suggests, but also makes the law harsher (reducing the number of immigrants needed to make harboring a felony). Mixed result. The first three are good changes, although the religious exemption could still go further to exclude emergencies or to allow “Good Samaritan” acts by secular individuals or organizations. The fourth change is bad and should be opposed.

Section 18	Taking people to jail	Removes requirement that people without a driver's license be taken to a magistrate	Remove requirement about detention until suspect can be turned over to feds. "Repeal would cure constitutional issues."	Says officers must verify status as soon as reasonably possible (or within 48 hours), but doesn't say what happens to drivers during verification. Might drivers still end up in a holding facility? Good change (probably) but should go a lot further.
Section 21	Crime victims	Expands provision to include parents of crime victims	N/A	Good to expand protections for parents of children that are crime victims, but rather than issue full protection, only delays deportation proceedings. Still could deter testimony in crimes. Slight improvement, but inadequate.
Section 27	Contracts	Makes provisions prospective and excludes contracts for legal services. Existing contracts would be valid.	Suggests making it prospective	Good to exclude contracts for legal services. Making it prospective does little. Good tweak, but inadequate.
Section 28	K-12 school checks	No longer requires schools to ask about status at enrollment (but also doesn't forbid asking). Requires State Superintendent to file annual report on cost of educating children of undocumented parents.	Suggests full repeal.	"As close to full repeal as you can get without fully repealing it." Tries to make this provision easier to defend in court. Good change, but could go further.

Section 30	Business transactions	Clarifies definitions of the term “business transaction” and excludes utility purchases. Clarifies that proof of status is required one time for first transaction but not renewals.	Suggests clarification of “business transactions”	Does ensure that water, power and other utilities cannot be denied based on this section and will reduce long waiting for license and tag renewals. Good change, but not ideal.
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