

20091848e1

1 A bill to be entitled
2 An act relating to verification of a prisoner's
3 immigration status; creating s. 907.06, F.S.;
4 requiring the staff of a jail or other detention
5 center or facility to make a reasonable effort to
6 determine the citizenship status of a person charged
7 with specified crimes; requiring that facility staff
8 make a reasonable effort to verify whether the
9 prisoner is lawfully present in the United States;
10 requiring facility staff to verify the person's
11 immigration status and notify the United States
12 Department of Homeland Security if the person is not
13 lawfully in the United States; creating, for purposes
14 of a release bond, a rebuttable presumption that a
15 prisoner is at risk of flight if the Department of
16 Homeland Security verifies that the prisoner is a
17 foreign national and is not lawfully present in the
18 United States; requiring agencies affected by this act
19 to adopt written procedures to conform to the act;
20 requiring that the act be construed consistent with
21 applicable federal law; providing an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Section 907.06, Florida Statutes, is created to
26 read:

27 907.06 Verification of immigration status of certain
28 prisoners.—

29 (1) If a person is charged with a felony, driving under the

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30 influence pursuant to s. 316.193, or boating under the influence
31 pursuant to s. 327.35, and is confined for any period in a jail
32 or other detention center or facility, the facility staff shall
33 make a reasonable effort to determine the citizenship status of
34 that person.

35 (2) If the prisoner is a foreign national, the staff of the
36 facility confining the prisoner shall make a reasonable effort
37 to verify whether the prisoner is lawfully present in the United
38 States under federal immigration law and, if lawfully admitted,
39 whether the lawful status has expired. If a determination of
40 citizenship cannot be made from documents in the possession of
41 the prisoner, verification of immigration status shall be
42 requested from the United States Department of Homeland Security
43 within 48 hours after the person is confined in the jail or
44 other detention center or facility.

45 (3) If the Department of Homeland Security verifies that
46 the person is not lawfully present in the United States, the
47 facility shall notify the Department of Homeland Security of the
48 detention status of the prisoner and confirm whether a federal
49 immigration detainer has been or will be requested for the
50 alien. This report is a public record.

51 (4) For the purpose of determining the conditions for
52 issuance of a bond, a rebuttable presumption is created that a
53 prisoner is at risk of flight if the Department of Homeland
54 Security verifies that the prisoner is a foreign national and is
55 not lawfully present in the United States.

56 (5) Any state or local agency complying with this section
57 shall adopt written procedures governing how the inquiries and
58 actions required by this section shall be performed. Any such

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59 procedures shall be in compliance with federal immigration law,
60 policies, or procedures as applied to the agency actions.

61 Section 2. This act shall be construed consistent with
62 applicable federal law.

63 Section 3. This act shall take effect July 1, 2009.