

By Senator Detert

23-01426-09

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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; authorizing the Department of Law  
19          Enforcement to adopt rules; requiring that the act be  
20          construed consistent with applicable federal law;  
21          providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
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) The Department of Law Enforcement may adopt rules  
57 pursuant to ss. 120.536(1) and 120.54 to administer this  
58 section.

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59           Section 2. This act shall be construed consistent with  
60 applicable federal law.

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