

By Senator Detert

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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 the facility staff to
8 make a reasonable effort to verify whether the
9 prisoner is lawfully present in the United States;
10 requiring facility staff to request the assistance of
11 the United States Department of Homeland Security to
12 verify the immigration status of a person within 48
13 hours after the person is confined in the jail or
14 other detention center or facility; requiring facility
15 staff to notify the United States Department of
16 Homeland Security if the person is not lawfully in the
17 United States; creating, for purposes of a release
18 bond, a rebuttable presumption that a prisoner is at
19 risk of flight if the Department of Homeland Security
20 verifies that the prisoner is a foreign national and
21 is not lawfully present in the United States;
22 requiring that certain agencies adopt written
23 procedures to conform to the act; requiring that the
24 act be construed consistent with applicable federal
25 law; providing an effective date.

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

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29 Section 1. Section 907.06, Florida Statutes, is created to

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30 read:

31 907.06 Verification of immigration status of certain
32 prisoners.-

33 (1) If a person is charged with a felony, driving under the
34 influence under s. 316.193, or boating under the influence under
35 s. 327.35 and is confined for any period in a jail or other
36 detention center or facility, the facility staff shall make a
37 reasonable effort to determine the citizenship status of that
38 person.

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

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

55 (4) For the purpose of determining the conditions for
56 issuance of a bond, a rebuttable presumption is created that a
57 prisoner is at risk of flight if the Department of Homeland
58 Security verifies that the prisoner is a foreign national and is

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59 not lawfully present in the United States.

60 (5) Any state or local agency complying with this section
61 shall adopt written procedures governing how the inquiries and
62 actions required by this section shall be performed. Any such
63 procedures shall be in compliance with federal immigration law,
64 policies, or procedures as applied to the agency actions.

65 Section 2. This act shall be construed consistent with
66 applicable federal law.

67 Section 3. This act shall take effect July 1, 2011.