

**COMMUNITY EXPLAINER****ALABAMA'S NEW ANTI-IMMIGRANT
LAWS - SB 53 AND SB 63**

In May 2025, Alabama Governor Kay Ivey signed into law two anti-immigrant measures. [Senate Bill 63](#) (SB 63), a mandatory DNA and fingerprint collection law for undocumented noncitizens in custody, went into effect on June 1, 2025. [Senate Bill 53](#) (SB 53) will go into effect on October 1, 2025, requiring immigration status checks whenever someone is detained in Alabama and criminalizing the transport of an undocumented person into the state of Alabama. This community explainer explains what the laws mean and addresses some frequently asked questions.

What does SB 63 do?

This law requires that all law enforcement agencies within the state collect the DNA and fingerprints of anyone in their custody whom law enforcement determines is a noncitizen who does not have permission to be in the United States before they release that person. This means that regardless of the reason why someone is in a local, county, state jail—for example, even if they are there because of an arrest but are later released without being charged or convicted—they will be required to have their fingerprints and DNA collected and entered into a state database.

Fingerprinting is generally already part of the normal procedure whenever someone is processed by law enforcement, but the DNA collection is not standard. DNA is your genetic material and is found in hair, saliva, skin cells, and other bodily fluids. DNA is unique to you, and once the government has your DNA on file, they will be able to match your DNA to you at any point in the future using another physical sample that they either collect or that you leave behind. DNA evidence is often used in criminal investigations but may also be used to identify a person. Because law enforcement of all levels share information from their databases, your DNA information could be shared outside of Alabama, including with federal authorities.

What does SB 53 do?

This new law does several different things:

- SB 53 changes how the state of Alabama defines who is present in the United States unlawfully. Under SB 53, someone is considered to be “illegally” in the United States if they are “not lawfully present in the United States under any federal law, regulation, order, or directive.” This information must be verified by the federal government.
- SB 53 updates the “show me your papers” provision from HB 56, which requires local law enforcement officers to call federal immigration officials if, during any lawful stop, detention, or arrest, they have a “reasonable suspicion” that the person is present in the U.S. unlawfully.

- HB 56 was an anti-immigrant law that passed in 2011. Although many sections of HB 56 were struck down as unlawful, this “show me your papers” provision was upheld and remains Alabama law.
- It is important to remember that local law enforcement cannot stop anyone simply because they suspect someone is present in the United States without authorization unless they have a valid Task Force Model [287\(g\) agreement](#) (you can find a list of agencies that have 287(g) agreements [here](#)).
- SB 53 also requires immigration status checks for anyone in any state, county, or municipal jail in Alabama who has been charged with certain crimes, and requires law enforcement to comply with ICE detainers unless more than 48 hours have passed since ICE issued the detainer.
- SB 53 also creates a new state crime of “human smuggling,” which criminalizes transporting into the state of Alabama anyone who the person knows is in the United States unlawfully (see above). The law provides limited exemptions for attorneys transporting clients to or from federal, state, or local government facilities (including immigration facilities), official educational trips, health care providers, travel for “religious or charitable purposes,” or for governmental purposes.

FREQUENTLY ASKED QUESTIONS

Can they take my DNA by force?

The law does not say explicitly, but it instructs law enforcement to hold a person until they collect the person’s DNA. At a minimum, refusing to comply could result in a longer time in custody.

I don’t live in Alabama, but I sometimes drive my undocumented family member(s) there. Will this affect me?

Yes, there is no exemption for someone transporting a family member and Section 2 applies to anyone driving into the state.

Can I be charged with transporting myself if I am undocumented and I drive into Alabama?

Probably not. The law says that it criminalizes the act of transporting “another individual” into Alabama. Nevertheless, advocates and community members should pay attention to how law enforcement are prosecuting people under the law.

What identification will count under the law to prove that I have lawful status?

Under SB 53, several forms of identification will make a law enforcement officer assume that you have lawful status:

- (a) a valid, unexpired Alabama driver license
- (b) a valid, unexpired Alabama nondriver [ID] card
- (c) a valid tribal enrollment card or other form of tribal identification that has a photograph or other biometric identifier
- (d) any valid US federal or state gov’t issued ID bearing a photograph or other biometric identifier (like a work permit)
- (e) a foreign passport with an unexpired U.S. visa and corresponding DHS stamp
- (f) foreign passport issued by a visa waiver country / corresponding entry stamp and unexpired duration of stay on the I-94

What kinds of crimes will require a mandatory immigration status check?

SB 53 requires a immigration status check if someone is charged with certain crimes like homicide, sexual offenses, assault, domestic violence, and child abuse, among others. It also requires an immigration status check for someone charged with several drug-related crimes, including those related to distribution, possession, and manufacture of drugs.

What does an immigration status check in jail involve?

If someone has been charged with the crimes that require an immigration status check, jail staff are required to either ask the person or check their documents to determine their immigration status. If jail staff are not able to determine someone's immigration status that way, then they must ask ICE for information on the person's immigration status.

What rights do I have during an immigration status check?

Everyone, regardless of status, has the right to stay silent and not answer questions. No one is obligated to answer jail staff's questions about your status. Everyone also has the right to say that they wish to speak to an attorney and not answer any questions. However, if someone is certain that they have lawful status and they have a valid identification document listed above, they should show it to jail staff.

Does SB 53 allow law enforcement to stop me just because they think I'm undocumented?

Probably not, unless the law enforcement agency is deputized for immigration enforcement under a Task Force Model 287(g) agreement. The law says that the law enforcement officer should only conduct an immigration status check "upon any lawful stop, detention, or arrest," which suggests that the officer must have already stopped someone for another reason before determining whether reasonable suspicion of undocumented status exists. Additionally, the law enforcement officer is not allowed to decide whether or not someone is undocumented by themselves. However, it will be difficult to prove that an officer did or did not stop someone just because they think that person is undocumented, especially if that person is deported. The law encourages racial profiling and unlawful stops, and advocates may want to gather examples of law enforcement abuse for future advocacy.

QUESTIONS?

If you have any questions about this explainer, please reach out to Stephanie Alvarez-Jones at info@nipnlg.org.