MEMORANDUM

TO: All Indigent Defense Attorneys

FROM: Ricky J. McKinney

Date: February 17, 2012

RE: Beason-Hammon Act Compliance

Pursuant to the Beason-Hammon Act (Immigration Law), any business entity or employer seeking a contract, grant or incentive from the State of Alabama must verify that it does not knowingly employ, hire for employment, or continue to employ unauthorized aliens. The business entity must further verify that it has enrolled in the E-Verify program. The Comptroller requires proof of compliance before a payment voucher can be processed.

Therefore, effective immediately, each attorney that provides indigent defense services and receives an attorney’s fee from the State of Alabama must submit to the Office of Indigent Defense Services the following documents:

1. a completed copy of the affidavit required by §31-13-9(a), using the form prescribed by the Alabama Secretary of State (a copy of this affidavit form is attached to this memorandum); and

2. a copy of the first page and signature page of the E-Verify Memorandum Of Understanding (MOU), which is generated when the business entity or employer enrolls in that program with Homeland Security at http://www.uscis.gov.

Your cooperation is greatly appreciated.

RJM: mbs

Enclosure
APPENDIX B

FORM FOR SECTIONS 9 (a) and (b) BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT; CODE OF ALABAMA, SECTIONS 31-13-9 (a) and (b)

AFFIDAVIT FOR BUSINESS ENTITY/EMPLOYER /CONTRACTOR

(To be completed as a condition for the award of any contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees)

State of ____________________________________________

County of ____________________________________________

Before me, a notary public, personally appeared _____________________________ (print name) who, being duly sworn, says as follows:

As a condition for the award of any contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees, I hereby attest that in my capacity as ____________________________ (state position) for ____________________________ ___________ (state business entity/employer/contractor name) that said business entity/employer/contractor shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien.

I further attest that said business entity/employer/contractor is enrolled in the E-Verify program.

(ATTACH DOCUMENTATION ESTABLISHING THAT BUSINESS ENTITY/EMPLOYER/CONTRACTOR IS ENROLLED IN THE E-VERIFY PROGRAM)

__________________________________________ Signature of Affiant

Sworn to and subscribed before me this _____ day of ________________________, 20__.

I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

__________________________________________ Signature and Seal of Notary Public