

2005 State Legislation Restricting Benefits for Immigrants or Promoting State and Local Enforcement of Immigration Laws

December 14, 2005

STATE	BILL NUMBER	SUMMARY	STATUS/ COMMENTS
AL	HB 452	➤ Would amend the state constitution to prohibit the state from providing nonemergency services to undocumented immigrants.	Died.
	HB 808	<ul style="list-style-type: none"> ➤ Persons registering to vote must provide proof of U.S. citizenship. ➤ Applicants for public assistance (as defined in 8 USC § 1621, excluding the exemptions) or for a state ID must provide proof of U.S. citizenship or lawful presence in the U.S. Acceptable documents to be specified by the Dept. of Public Safety. Agencies administering state and local benefits cannot accept as ID a document issued to a person whose immigration status was not verified in the issuing of the document. Applicants may obtain temporary benefits or a temporary ID card by submitting an affidavit and an SSN. ➤ State or local government agencies shall report in writing to the state attorney general and to federal immigration authorities any applicants or beneficiaries who fail to verify that their presence in the U.S. is lawful. Employees who fail to report and supervisors who fail to direct employees to report violations of federal immigration law are guilty of a Class B misdemeanor. 	Died (could come up next session).
AR	SB 206	<ul style="list-style-type: none"> ➤ Persons registering to vote must provide specific proof of U.S. citizenship. ➤ Employees administering state/local public benefits must verify identity and immigration status of applicants. Failure to report discovered immigration violations to the DHS, or for a supervisor to direct that such report be filed, is a Class B misdemeanor. 	Died. Holt, the author, vowed to pursue an initiative.
	HB 1012	➤ Authorizes the director of the Arkansas State Police to designate that certain state law enforcement officers be trained to assist in the enforcement of immigration laws, pursuant to an MOU with the DHS, and sets forth some conditions for negotiating, reviewing, and signing such an MOU.	Signed into law.
AZ	HB 2030	<ul style="list-style-type: none"> ➤ Restricts access to adult basic education, instruction in English as a second language, in-state tuition, financial aid, and child care assistance for immigrants who are not "legal residents." ➤ Agencies administering these services must report to the legislative budget committee the number of persons denied due to the lawful presence requirement. 	Vetoed by governor, 5/20/05.
	HB 2395	➤ The Dept. of Economic Security must verify the immigration status of applicants for child welfare services and certain other public benefits.	Died.
	HB 2592	➤ Prohibits cities, towns, and counties from constructing/maintaining new workers' (e.g., day laborer) centers if any part facilitates the hiring of undocumented immigrants.	Signed into law.

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AZ (cont'd)	HB 2264	➤ Denies financial aid and tuition waivers to undocumented students.	Died (see also HB 2030).
	HB 2263	➤ Denies financial aid and tuition waivers to undocumented students (see HB 2030).	Died.
	HB 2394	➤ Applies Proposition 200's verification and reporting requirements to health services. ¹	Died.
	HB 2384	➤ Imposes state penalties on employers subject to sanctions under IRCA.	Died.
	HB 2386	➤ Authorizes police to cooperate with DHS (investigate, detain, and remove immigrants).	Died.
	SB 1306	➤ Authorizes police to investigate, apprehend, detain, or remove immigrants in the enforcement of federal immigration laws.	Vetoed by governor, 5/20/05.
	HCR 2028	➤ Denies bail to individuals who have entered or remained in the U.S. unlawfully.	Transmitted to secretary of state on 5/12/05 – will appear on ballot.
CA	ACA 6	➤ An initiative that failed to qualify for the ballot would have amended the California constitution to prohibit the state from providing in-state tuition, or state or local public benefits to undocumented immigrants (unless required by federal law), and from issuing driver's licenses or ID cards to undocumented residents. ACA 6 proposes that the people amend the state constitution as set forth in the initiative.	Died.
	AB 1686	➤ Amends (slightly) a provision of California's 1994 initiative, Proposition 187, that was struck by courts, authorizing law enforcement agencies to fully cooperate with the INS/DHS regarding arrested persons suspected of being in the U.S. unlawfully, requiring police to verify their immigration status, direct them to obtain legal status or leave the U.S., and report them to the INS/DHS. ➤ Prohibits laws that prevent or limit cooperation between police and immigration authorities.	Died.
	AB 934	➤ Requires individuals who register to vote after 1/1/06 to present specific proof of U.S. citizenship prior to voting.	Died.
	SB 692	➤ California State University would conduct a study to assess benefits and costs of illegal immigration, including social services, health services, law enforcement, education, prices, labor costs, insurance, unemployment levels, and productivity of industries. ➤ Adds the California Highway Patrol to the members of the Joint Enforcement Strike Force on the underground economy.	Hearing cancelled at request of author. May be heard in January 2006.

¹ Proposition 200 requires state and local employees to verify the identity and immigration status of applicants for certain services and to report "discovered" immigration law violations to federal immigration authorities. It makes failure to file such a report, or to direct an employee to file a report, a criminal offense. It also mandates that persons registering to vote provide specific documents to establish that they are U.S. citizens. For more information, see "9th Circuit Dismisses Challenge to Arizona's Prop. 200 and Vacates District Court Ruling Denying Injunction," IMMIGRANTS' RIGHTS UPDATE, Oct. 5, 2005, available at www.nilc.org/immspbs/vr/verifreptg009.htm.

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CA (cont'd)	SB 694	<ul style="list-style-type: none"> ➤ Authorizes schools to collect information regarding students' immigration status. The bill would not prohibit undocumented students from attending schools, but would use the data to calculate the costs of illegal immigration. 	Died.
	AB 589	<ul style="list-style-type: none"> ➤ Denies in-state tuition to undocumented students. 	Died.
	SB 349	<ul style="list-style-type: none"> ➤ Denies in-state tuition to undocumented students. 	Died.
	AB 332	<ul style="list-style-type: none"> ➤ Bans state law enforcement or local governing boards from establishing local ordinances that prohibit law enforcement from initiating actions to discover a person's immigration status or arresting undocumented immigrants. 	Died.
	ACA 20	<ul style="list-style-type: none"> ➤ Would establish the California Border Police, a state law enforcement agency charged with assisting the federal government in enforcing federal immigration laws. Would allow the governor to declare an emergency if the legislature fails to appropriate funds that are adequate to maintain or perform the duties of the California Border Police, and would allow the governor to expend funds for this purpose. Would authorize peace officers to arrest persons if there is probable cause to believe that they have violated federal immigration laws, whether or not in an officer's presence. 	Died. <i>Similar initiative also failed to secure the requisite number of signatures.</i>
	SB 1075	<ul style="list-style-type: none"> ➤ Would add "illegal immigration" to the types of conditions that could form the basis for the governor to declare a state of emergency or a local emergency. 	In committee.
	SA2005RF0099 (proposed initiative)	<ul style="list-style-type: none"> ➤ Only U.S. citizens, LPRs, and those lawfully admitted for a temporary period of time may receive public social services; requires agencies to deny services to those suspected of being in the U.S. in violation of federal law. ➤ Only U.S. citizens, LPRs and those lawfully admitted to the U.S. for a temporary period of time may receive publicly funded health care, except for emergency medical care. Requires publicly funded health care facilities to deny services to those suspected of being in the U.S. in violation of federal law. ➤ Requires state to issue driver's licenses acceptable for federal identification purposes under the federal REAL ID Act; prohibits state from issuing licenses to those not eligible for regular licenses under REAL ID. ➤ Prohibits postsecondary institutions from admitting students who are not authorized to be present in the U.S. ➤ Requires state and local law enforcement to cooperate with U.S. Citizenship & Immigration Services regarding persons arrested who are suspected of being in the U.S. in violation of the federal immigration laws and prohibiting local noncooperation ordinances. ➤ Requires persons to present an affidavit and specific proof of identity and U.S. citizenship when applying to vote or voting. ➤ Increases penalties for sale, distribution, or use of false documents to conceal citizenship or immigration status. 	<i>Proposed initiative is circulating for signatures.</i>
CO	HB 05-1271	<ul style="list-style-type: none"> ➤ Prevents state and counties from providing public benefits (except elementary and secondary education, emergency health care or services necessary for public health emergencies, incarceration, or services required by federal law) to undocumented immigrants; requires state and local governments to maintain records of immigration documents of benefit applicants. 	Failed in committee, 6-5, on 2/2/05.
	HJR 05-1060	<ul style="list-style-type: none"> ➤ Creates an interim committee to study the impact of "illegal immigration" on Colorado. 	Died.

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CO (cont'd)	HJR 05-1062	<ul style="list-style-type: none"> ➤ Urges support from the U.S. government in the enforcement of federal immigration law. ➤ Requests that the Colorado delegation to the U.S. Congress support actions to discourage the influx of illegal immigrants, reimburse the state for illegal immigrants' impact on state citizens and taxpayers, assure that nonemergency services require documentation of citizenship or legal status, oppose certain guest worker programs. ➤ Encourages adoption of a federal bill to standardize driver's licenses. 	Died.
	HCR 05-1007	<ul style="list-style-type: none"> ➤ Ballot initiative that would require a state or county agency to provide services or public benefits only to citizens of the U.S. and persons legally present in the U.S. 	Died.
	Proposed initiative submitted to legislative counsel — number not yet available	<ul style="list-style-type: none"> ➤ Would amend the state constitution to deny nonemergency services provided by state or local governments to immigrants who are not lawfully present in the U.S. 	Similar initiative failed to garner enough signatures for 2004 ballot. Proponents of the potential new initiative are aiming for the 2006 ballot.
FL	HB 1039/ SB 1936	<ul style="list-style-type: none"> ➤ Allows hospitals to request payment in advance and to discharge patients who do not have an emergency medical condition, if payment for services cannot be secured. ➤ Requires Dept. of Health Services to conduct a study for the legislature regarding the use of emergency care by lawfully present persons and undocumented immigrants, as well as issues involving transport to their home country. 	Died.
GA	HR 256	<ul style="list-style-type: none"> ➤ Amends state constitution to require state law enforcement agencies to verify immigration status of arrested persons, report them to DHS, and inform those suspected of being undocumented that they must obtain legal status or leave the U.S. ➤ Prohibits local laws that limit cooperation with DHS. ➤ Denies social services, nonemergency medical care, elementary, secondary and postsecondary education, licenses, permits and "official authorization of any kind" to persons who are not U.S. citizens, LPRs, or lawfully admitted to the U.S. for a temporary time. ➤ Proposes ballot language, for voters to decide whether the state constitution should be so amended. 	Left in committee. Failed to pass in 2005.
	HB 911	<ul style="list-style-type: none"> ➤ Requires proof of U.S. citizenship to register to vote. ➤ Applicants for certain public assistance benefits must provide proof of U.S. citizenship or lawful presence. ➤ Provides temporary benefits when an individual cannot provide proof at time of application. ➤ Requires certain state agencies to cooperate with local governments and DHS to develop a system to verify lawful presence. 	Left in committee. Failed to pass in 2005.

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GA (cont'd)	SB 171	➤ Prohibits unauthorized immigrants from enrolling in Georgia universities.	Left in committee. Failed to pass in 2005.
	HB 177	➤ Misdemeanor for state, counties, or municipalities to employ or to use any public funds to pay any person who is in the U.S. in violation of the laws of the U.S.	Left in committee. Failed to pass in 2005.
	SB 170	<ul style="list-style-type: none"> ➤ Creates procedures for verifying lawful presence. ➤ Undocumented persons cannot be residents or domiciled in the state, except where required by federal law. ➤ Requires verification of lawful presence in the U.S. for federal, state and local benefit programs. ➤ Persons failing to establish lawful presence as required shall be reported to DHS. 	Left in committee. Failed to pass in 2005.
ID	S 1105	<ul style="list-style-type: none"> ➤ Restricts access to county health care for undocumented immigrants. ➤ Counties pay to transport back to their home country undocumented patients who use emergency services. ➤ Employers held responsible for costs of providing uncompensated care to undocumented employees. 	Died.
IN	HB 1220	➤ Directs superintendent of the state police to negotiate with the U.S. Dept. of Justice to create a pilot project authorizing state police employees to perform certain immigration enforcement functions.	Died.
KY	HB 203	<ul style="list-style-type: none"> ➤ To be admitted to a public postsecondary school, students must be a U.S. citizen, national, LPR, nonimmigrant, or be able to show proof from the immigration authorities that they are in the U.S. on more than a temporary basis with the intent of becoming a permanent resident or a U.S. citizen. ➤ Only U.S. citizens or LPRs may be eligible for postsecondary grants or scholarships, college access program grants, or the Kentucky tuition grant program. 	Died.
ME	LD 1079/ HP 732	➤ Requires employees, agents, owners, directors, or persons associated with a public/private organization receiving state funds to notify DHS if they believe a person with whom they have contact is undocumented.	Died.
MD	HB 1153	➤ Only U.S. citizens may receive direct public assistance from the state/local government, unless denying such benefits would conflict with federal requirements.	Withdrawn by sponsor on 3/3/05.
	HB 1151	➤ Task force would study the impact of undocumented immigrants on uncompensated care.	Died.

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MD (cont'd)	HB 1174	➤ Task force would study the costs of illegal immigration to Maryland.	Defeated in committee by a vote of 18-4 on 3/25/05.
	HB 1217	➤ Police officers in Baltimore County shall detain persons whom they determine (in the normal course of business) to be undocumented until they can be transferred to DHS custody, and shall inform DHS — but may not search for undocumented immigrants for sole purpose of detaining them.	Unfavorable report by Judiciary.
	HB 1172	➤ Makes it a crime for a car owner to allow his/her car to be driven by a person who is not lawfully present in the U.S.	Died.
MI	HB 5184	➤ Requires proof of U.S. citizenship to be eligible for the state's TANF and medical assistance benefits.	Left in committee. Failed to pass in 2005.
MS	HB 1220	➤ Clarifies that undocumented immigrants are not eligible for Medicaid.	Died.
	HB 1427	➤ Prohibits <i>matricula consular</i> cards from being accepted as proof of identification or qualification for state benefits or privileges.	Died.
	HB 1524 HB 1553	➤ Prohibits public entities from accepting identification documents that are not secure and verifiable. ➤ Denies state contracts to contractors who employ undocumented workers, and penalizes contractors who do not comply with this requirement. ➤ Authorizes the commissioner of public safety to create rules to direct law enforcement officers to assist the federal government with immigration efforts.	Died.
NH	HB 566	➤ Denies state and local public benefits and driver's licenses to persons who are not lawfully present in the U.S. (defined as "qualified" immigrants).	Died. "Inexpedient to legislate."
NJ	AB 471	➤ Requires proof of lawful presence in the U.S. to obtain certain state and local benefits. (Introduced in 2004.)	In committee.
NY	S 409	➤ Requires police to cooperate with the DHS regarding arrested persons who are reasonably suspected of being undocumented, including verifying immigration status and reporting to the DHS; bans local ordinances that prohibit such cooperation.	Died.
	S 410	➤ Denies social services to persons who are not U.S. citizens, LPRs, or permanently residing in the U.S. under color of law, and requires agencies to report to the DHS persons reasonably suspected of being in the U.S. unlawfully.	Died.
	S 411	➤ Denies health services to persons who are not U.S. citizens, LPRs, or permanently residing in the U.S. under color of law, and requires agencies to report to the DHS persons reasonably suspected of being in the U.S. unlawfully.	Died.

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NY (cont'd)	S 1489	➤ Bars undocumented students from attending postsecondary institutions.	Died.
	AB 3507	➤ Provides for cooperation between police and DHS regarding any person arrested under state law who is reasonably suspected of being present in the U.S. in violation of federal immigration laws.	Died.
	S 405/ AB 7735	➤ Permits local government employees to cooperate with the DHS in reporting undocumented individuals whom they suspect of engaging in criminal activity or of being in violation of federal immigration law.	Died.
NC	S 976/ H 1018	<ul style="list-style-type: none"> ➤ Persons registering to vote must present proof of U.S. citizenship. ➤ Applicants for state/local public benefits or identity documents must submit proof of lawful presence (documents must be recognized by state DMV; no ID cards from states that do not verify immigration status). If they sign an affidavit that they are U.S. citizens or have LPR status, and provide an SSN, they can obtain temporary benefits. ➤ State/local agencies shall report to state attorney general and DHS any applicants/beneficiaries who fail to verify that their presence in the U.S. is lawful. Failure to so report is a Class 2 misdemeanor. ➤ Persons who willfully employ non-U.S. citizens who are not residents of the state are responsible for paying medical services for the workers and household members if the medical condition arises during course of employment. State may sue employer for cost of medical services (exempts persons who rely on employment authorization documents that appear authentic). 	Died.
	HB 1474	<ul style="list-style-type: none"> ➤ Requires that applicants for public assistance be U.S. citizens or lawfully present in the U.S., with exceptions for medical assistance to those residing in long-term care facilities as of 6/30/97, to children who would have been eligible for medical assistance under the federal laws in effect prior to 8/22/96, and to state or local benefits that are mandated by federal law pursuant to 8 USC § 1621. ➤ Requires adults to provide specific proof of U.S. citizenship or lawful presence — by providing documents recognized by the DMV or a verified SSN. And requires that agencies cooperate with the DHS in verifying the immigration status of benefits applicants. ➤ Those who cannot provide such proof can receive temporary benefits if they sign an affidavit attesting to this status. Those who provide false information shall be reported to the state attorney general. 	Died.
	HB 1362	➤ Authorizes state and local law enforcement officers to enforce federal immigration laws to the extent authorized by federal law.	In committee.
SC	HB 3288	➤ Compensation, either lost wages or medical, is not allowed for an injury or death, when the injury or death occurred to an individual who is an undocumented non-U.S. citizen, who gained employment through fraudulent means or methods, or both, including, but not limited, to falsification of application, invalid SSN, or falsified or invalid immigration papers.	Left in committee. Failed to pass in 2005.
	HB 4022	<ul style="list-style-type: none"> ➤ Requires proof of U.S. citizenship to register to vote. ➤ Requires proof of lawful presence in the U.S. to receive certain public assistance benefits. ➤ Requires that employers of workers who are not lawfully present in the U.S. are responsible for the workers' medical services. 	Left in committee. Failed to pass in 2005.

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SC (cont'd)	HB3136	<ul style="list-style-type: none"> ➤ To the fullest extent permitted by federal law, all state, county, and municipal law enforcement officials in the state, and any other person having the power of arrest in the state, are authorized to arrest and detain an individual for a criminal violation of the federal Immigration and Nationality Act and any federal law relating to immigrants illegally present in the U.S. 	Left in committee. Failed to pass in 2005.
	HB 3753	<ul style="list-style-type: none"> ➤ Prohibits a hospital that receives state funds, including Medicaid, to provide nonreimbursable, nonemergency health care services to undocumented non-U.S. citizens, unless the latter provide payment for the services. 	Left in committee. Failed to pass in 2005.
	HB 3872	<ul style="list-style-type: none"> ➤ Creates the offense of "illegal alien trespass." ➤ Permits the forfeiture of property, money, and other valuables when a person is convicted of illegal alien trespass. 	Left in committee. Failed to pass in 2005.
	HB 3287	<ul style="list-style-type: none"> ➤ Amends various provisions of the state's Medicaid code, and adds requirement that Medicaid applicants present proof of citizenship or lawful immigrant status if the department has reasonable grounds to believe that the applicant is not a U.S. citizen or lawfully present immigrant. 	Left in committee. Failed to pass in 2005.
	HB 4034	<ul style="list-style-type: none"> ➤ Amends various provisions of the state's Medicaid code and add requirement that Medicaid applicants present proof of citizenship or lawful immigrant status if the department has reasonable grounds to believe that the applicant is not a U.S. citizen or lawfully present immigrant. 	Left in committee. Failed to pass in 2005.
	SB 305	<ul style="list-style-type: none"> ➤ Amends various provisions of the state's Medicaid code, and adds requirement that Medicaid applicants present proof of citizenship or lawful immigrant status if the department has reasonable grounds to believe that the applicant is not a U.S. citizen or lawfully present immigrant. 	Passed House and Senate. Left in conference committee.
TN	HB 196/ SBI595	<ul style="list-style-type: none"> ➤ Copycat of Arizona's Proposition 200.² ➤ Requires persons registering to vote to submit specific proof of U.S. citizenship. ➤ State/local agencies must verify identity and immigration status of applicants for services and must report discovered immigration violations to the DHS; failure to so report is a Class A misdemeanor. 	Failed in subcommittee, 3/30/05. Bill is dead.
	SB 1906/ HB 2218	<ul style="list-style-type: none"> ➤ Prohibits the state from providing health, cash, food stamps, driver's licenses, post-secondary education grants or tuition assistance to undocumented immigrants over 18 years of age, unless required by federal law. 	Left in committee. Failed to pass in 2005.
	SB 2426	<ul style="list-style-type: none"> ➤ Authorizes the department of safety to negotiate an agreement with federal authorities to train highway patrol officers to perform certain immigration law enforcement functions. ➤ Authorizes highway patrol officers certified as trained under such an agreement to enforce federal immigration and customs laws in Tennessee. 	Left in committee. Failed to pass in 2005.

² See note 1.

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VA	HB 1798/ SB 1143	<ul style="list-style-type: none"> ➤ Prohibits undocumented immigrants from receiving state or local public benefits, unless required by federal law. Exempts state-funded medical assistance for certain immigrant children and long-term care patients. ➤ Adults must provide proof of U.S. citizenship or lawful presence. Applicants can sign affidavit declaring U.S. citizenship or lawful presence and receive temporary benefits. ➤ State shall develop procedures for verifying that benefits applicants' presence in the U.S. is lawful. ➤ Effective Jan. 1, 2006. 	Governor signed, 3/28/05.
	HB 2056	<ul style="list-style-type: none"> ➤ Denies nonmedical worker's compensation to undocumented immigrants. Senate amendments would provide exceptions for certain services if employer knew or should have known that the worker was undocumented prior to the injury. 	Held in committee.
	HB 2910	<ul style="list-style-type: none"> ➤ Persons who are unlawfully present in the U.S. may not be admitted to any public institution of higher education in Virginia. 	Passed House 2/3/05. Held in Senate committee.
	HB 1837	<ul style="list-style-type: none"> ➤ Grants law enforcement officers authority to enforce immigration laws. When acting upon reasonable suspicion that an individual has committed or is committing a crime, they may arrest the individual <i>without a warrant</i> if they receive confirmation from DHS that the individual is unlawfully present in the U.S. and has previously been convicted of a felony in the U.S. 	Tabled in committee.
WA	I-343	<ul style="list-style-type: none"> ➤ Persons registering to vote must provide proof of U.S. citizenship. ➤ State and local agencies must verify the identity and immigration status of applicants for state and local public benefits, and cannot accept as ID any documents (including a driver's license) issued by a state if document-holder's immigration status was not verified in the issuing of the document. ➤ Any employee of a state and local agency must report in writing to federal immigration authorities regarding any violation of federal immigration law that is discovered by the employee. Employees who fail to report and supervisors who fail to direct employees to report violations of federal immigration law are guilty of a misdemeanor. 	<i>Initiative is circulating for signature.</i>

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