

Summary and Analysis of State Immigration Legislation

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November 12, 2012

State	Law	Summary of Provisions	Current Status
Arizona	SB 1070 "Support Our Law Enforcement and Safe Neighborhoods Act" http://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf	<ul style="list-style-type: none"> • § 2(A): prohibits any official or agency of the state or any political subdivision of the state from adopting a policy "that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law" • § 2(B): requires police to check the immigration status of persons they detain and gives police discretion to stop and detain anyone suspected of being an undocumented immigrant • § 2(C): requires an alien who is unlawfully present in the United States who is convicted of violation of state or local law be transferred immediately to custody of ICE or CBP upon being discharged from imprisonment or assessment of fine imposed • § 2(D): provides for the transportation by a law enforcement agency of an alien who is unlawfully present in the United States and is in the agency's custody to a federal facility in the state or other out-of-state point of transfer into federal custody • § 2(E): allows a law enforcement to arrest a person he or she has probable cause to believe has committed any public offense that makes the person removable from the U.S., without a warrant • § 2(F): provides that officials or agencies of this state and all political subdivisions of the state may not be prohibited or restricted from sending, receiving, or maintaining information relating to the immigration status of any individual or exchanging that information with any other federal, state, or local governmental entity for the following purposes: <ul style="list-style-type: none"> ○ (1) "determining eligibility for any public benefit, service or license provided by any federal state, local or other political subdivision of this state." ○ (2) verifying any claim of residence or domicile if such determination is required under state law or judicial order ○ (3) confirming identity of person who is detained ○ (4) "If the person is an alien, determining whether the person is in compliance with the federal registration laws prescribed by Title II, Chapter 7 of the federal Immigration and 	<ul style="list-style-type: none"> • upheld § 2(B) on grounds that the law would need to go into effect before it would become clear whether the provision was preempted. • struck down § 3 • struck down § 5(C) • struck down § 6 • United States v. Arizona, 567 U.S. ____ (2012).

Nationality Act”

- § 2(G): creates cause of action in Superior Court to challenge any official or agency of the state or any political subdivision of the state “that adopts or implements a policy that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law”
- § 2(H): provides that civil penalties collected as a result of action brought under §2(G) be collected by a court and remitted to the Department of Public Safety for Deposit in the Gang and Immigration Intelligence Team Enforcement Mission Fund
- § 2(I): indemnifies law enforcement officer against reasonable costs and expenses incurred in connection with action, suit, or proceeding brought under §2 unless he or she was found to have acted in bad faith
- § 2(J): provides that § 2 shall be “implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons and respecting the privileges and immunities of United States citizens.”
- § 3: made it a state misdemeanor for someone to be in the United States without proper authorization, provided that the final determination of an alien’s immigration status be made by either:
 - a law enforcement officer authorized by the federal government to verify/ascertain immigration status
 - a law enforcement officer or agency communicating with ICE or CBP
- § 4(F): provides that a peace officer may lawfully stop any person operating a motor vehicle if he or she has reasonable suspicion to believe the person is in violation of any civil traffic law and other provisions in § 4 regarding smuggling of human beings
- § 5(A): made it a state crime for an occupant of a motor vehicle stopped on a street, roadway or highway to attempt to hire or hire and pick up passengers for work at a different location if it impedes traffic
- § 5(B): made it a state crime for a person to enter a motor vehicle stopped on a street, roadway, or highway to be hired by an occupant of the motor vehicle and to be transported to work at a different location if the motor vehicle impedes traffic
- § 5(C): made it a state crime for undocumented immigrants to apply for jobs or to work in Arizona
- § 6: authorizes state and local officers to make warrantless arrests of aliens whom the officer have probable cause to believe have committed a

		<p>deportable offense</p> <ul style="list-style-type: none"> • § 8(A): requires every employer to verify employment eligibility of all new employees through the e-verify system and keep a record of the verification for the longer period of: the duration of the employee’s employment, or 3 years • § 9(A)(4): requires a peace officer to remove, immobilize, or impound a vehicle after determining a person is driving the vehicle while “in violation of a criminal offense and is transporting, moving, concealing, harboring or shielding or attempting to transport, move, conceal, harbor or shield an alien in this state in a vehicle if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation of law.” • § 10: establishes the Gang and Immigration Intelligence Team Enforcement Mission Fund <p>Executive Order-2012-06</p> <ul style="list-style-type: none"> • Denies public benefits to those who are granted Deferred Action under federal immigration law • Defines lawful or authorized status to those granted Deferred Action under federal immigration law • Prohibits issuance of driver’s license to those granted Deferred Action under federal immigration law 	
Georgia	<p>HB 87 “Illegal Immigration Reform and Enforcement Act of 2011” http://www1.legis.ga.gov/legis/201112/pdf/hb87.pdf</p>	<ul style="list-style-type: none"> • Required every public employer to register and participate in the federal work authorization program to verify employment eligibility of newly hired employees • Created the following crimes: <ul style="list-style-type: none"> • “transporting an illegal alien” which applies to a “person who, while committing another criminal offense, knowingly and intentionally transports or moves an illegal alien in a motor vehicle for the purpose of furthering the illegal presence of the alien in the United States.” (EXCEPT persons providing “privately funded social services”) • “concealing or harboring an illegal alien,” which applied to “[a] person who is acting in violation of another criminal offense and who knowingly conceals, harbors, or shields an illegal alien from detection in any place in [Georgia], including any building or means of transportation, when such person knows that the person being concealed, harbored, or shielded is an illegal alien.” • “inducing an illegal alien to enter into 	<ul style="list-style-type: none"> • Federal judge on June 27, 2011, issued temporary injunction against these new crimes

		<p>[Georgia],” which applied to “[a] person who is acting in violation of another criminal offense and who knowingly induces, entices, or assists an illegal alien to enter into [Georgia], when such person knows that the person being induced, enticed, or assisted to enter into [Georgia] is an illegal alien.”</p> <ul style="list-style-type: none"> • Defined “harboring” or “harbors” as “any conduct that tends to substantially help an illegal alien to remain in the United States in violation of federal law but shall not include a person providing services to infants, children, or victims of a crime; a person providing privately funded social services; a person providing emergency medical service; or an attorney or his or her employees for the purpose of representing a criminal defendant.” • permitted “Georgia law enforcement officers to investigate the immigration status of an individual if the officer has probable cause to believe the individual has committed another crime and the individual cannot provide one of the pieces of identification listed in the statute.” If the officer verifies that the person is unlawfully present in the United States, the officer may take actions that are authorized by state and federal law, which includes “detaining the person, transporting the person to a detention facility, or notifying the Department of Homeland Security (DHS).” <ul style="list-style-type: none"> ○ BUT prohibited consideration of race, color, and national origin, and prohibited the immigration status investigation of persons who witness or report criminal activity, “where the reason for investigation is based on information arising from that contact.” 	
South Carolina	<p>H3148, “South Carolina Immigration Compliance Act of 2011” http://www.scstatehouse.gov/sess119_2011-2012/bills/20.htm)</p>	<ul style="list-style-type: none"> • Creates civil cause of action to enjoin enactment by a political subdivision of any ordinance or policy that limits or prohibits a law enforcement official, local official, or local government employee from seeking to enforce a state immigration law, or from communicating with federal or state officials regarding immigration status of a person in the state; that pertains to employment, licensing, other otherwise doing business with a person based on a person’s authorization to work in the United States in a way that conflicts with federal law or state law • Requires every public employer to register and participate in the federal work authorization program to verify the employment authorization of all new employees and prohibits public employers from entering into services contracts with contractors who 	<ul style="list-style-type: none"> • Judge Richard M. Gergel of the Federal District Court in Charleston, SC, blocked the provision requiring law enforcement officials to check the immigration status of any suspect they believe is in the country illegally and the provisions that make it a crime to harbor or transport an illegal immigrant

		<p>do not agree to also register and participate in the federal work authorization</p> <ul style="list-style-type: none"> • Requires private employers, in order to maintain a South Carolina employment license and be permitted to employ a person in the state, to register and participate in the E-Verify federal work authorization program to verify the work authorization of every new employee within three business days after employing a new employee • Allows law enforcement officers to ask for immigration papers if they suspect someone of being in the country illegally • Creates crime for a person who has come to, entered, or remained in the United States in violation of law to allow themselves to be transported, moved, or attempted to be transported within the state or to solicit or conspire to be transported or moved • Creates crime to transport or harbor anyone who is in the country illegally <ul style="list-style-type: none"> ○ Does not apply to programs, services, or assistance including soup kitchens, crisis counseling, and intervention; churches or other religious institutions recognized as 501(c)(3) organizations by IRS; or short-term shelters specified by the United States Attorney General which: <ul style="list-style-type: none"> ▪ Deliver in-kind services at community level, including through public or private nonprofit agencies ▪ Do not condition provision of assistance, amount of assistance provided, or cost of assistance provided on recipient's income or resources; and ▪ Are necessary for protection of life or safety ○ "Shelter provided for strictly humanitarian purposes or provided under the Violence Against Women Act is not a violation of this section, so long as the shelter is not provided in furtherance of or in attempt to conceal a person's illegal presence in the United States." ○ Providing health care treatment or services does not violate this section • Makes failing to carry certificate of alien registration or alien registration receipt card a misdemeanor • Requires that a reasonable effort be made to determine whether a person charged with a criminal offense who is confined in a jail in the state, is an 	<ul style="list-style-type: none"> • June 2012: Judge Gergel said his injunction will remain in place until the Court of Appeals for the 4th Circuit either lifts it or sends the case back to him.
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		<p>alien unlawfully present in the United States</p> <ul style="list-style-type: none"> Creates the Illegal Immigration Enforcement Unit within the Department of Public Safety, the purpose of which is to enforce immigration laws as authorized pursuant to federal laws and the laws of South Carolina 	
Utah	<p>HB 497, "Illegal Immigration Enforcement Act" http://le.utah.gov/~2011/bills/hbillenr/hb0497.htm</p>	<ul style="list-style-type: none"> Requires that law enforcement officers verify the immigration status of peoples arrested for felonies or class A misdemeanors and people booked for class B or C misdemeanors Requires that officers they attempt to verify the immigration status of people detained for class B or C misdemeanors Provides that a state or local agency may not limit by ordinance, regulation, or policy the authority of any law enforcement or other governmental agency to assist the federal government in the enforcement of any federal immigration law, including federal requirement to register as an alien or possess an alien registration document Provides that any state or local governmental agency is not restricted in sending, receiving, or maintaining immigration status information of any person in carrying out the agency's lawful purposes Requires verification of immigration status regarding application for public services or benefits provided by a state or local governmental agency or subcontractor except as exempted by federal law (or when compliance could reasonably be expected to be grounds for the federal government to withhold federal Medicaid funding) <ul style="list-style-type: none"> The agency shall verify a person's lawful presence in the United States by requiring that the applicant sign a certificate (in person or electronically) under penalty of perjury, stating that the applicant is a United States citizen, or is a qualified alien as defined by 8 U.S.C. Sec. 1641 <ul style="list-style-type: none"> Eligibility shall be verified by the agency through the federal SAVE program or an equivalent program designated by DHS Agencies may adopt variations to the requirements with concurrence of the Utah Attorney General, that provide for adjudication of unique individual circumstances where the verification procedures would impose unusual hardship on a legal resident of the state 	<ul style="list-style-type: none"> After the Department of Justice challenged the law, stating that several of its provisions are preempted by federal law, a federal judge delayed the decision on the constitutionality of the law in February 2012 to await the Supreme Court's decision in <i>Arizona v. United States</i>.

		<ul style="list-style-type: none"> ▪ If agency receives verification that a person applying for any benefit, service, or license is not a qualified alien, the agency shall provide the information to the local law enforcement agency for enforcement unless prohibited by federal mandate • Provides that this bill does not authorize federal REAL ID Act to any extent not currently provided by state law • Amends current state law prohibiting transporting or harboring illegal aliens by removing limitation to transportation of the alien for a distance greater than 100 miles • Prohibits encouraging or inducing of an illegal alien to come to or reside in Utah • Allows peace officer to make an arrest when the officer has reasonable cause to believe the person is an alien: <ul style="list-style-type: none"> ○ Subject to an immigration removal order; and ○ Regarding whom a detainer warrant has been issued who has committed or been charged with a felony in another state 	
Indiana	<p>SB 590, (http://www.in.gov/legislative/bills/2011/PDF/IN/IN0590.1.pdf)</p>	<ul style="list-style-type: none"> • Requires that only English be used, with certain exceptions, in public meetings, public documents, by officers and employees of state or political subdivisions in performing their duties, and providing information communicated electronically by a state or a political subdivision • Requires the office of management and budget to calculate the costs of illegal aliens to Indiana and to make written request to Congress to reimburse the state for those costs • Prohibits governmental bodies from restricting or limiting certain actions by other governmental bodies with regard to information of the citizenship or immigration status of an individual • Prohibits a governmental body from limiting or restricting the enforcement of federal immigration laws to less than the full extent permitted by federal law • Requires law enforcement officers to verify the citizenship or immigration status of individuals in certain situations • Establishes a process to suspend or revoke business licenses of employers who knowingly employ unauthorized aliens • Requires superintendent of state police to negotiate the terms of a memorandum of agreement with the 	<ul style="list-style-type: none"> • Currently, SB 590 has been put on hold while the Federal Court determines whether is provisions are constitutional.

		<p>federal government so that state police employees can be trained to enforce federal immigration and customs laws</p> <ul style="list-style-type: none"> • Requires state agencies, political subdivisions, contractors with public contracts for services with a state or political subdivision, and certain business entities to use E-Verify and meet other requirements • Allows a state agency or political subdivision to terminate a public contract for services with a contractor for breach of the public contract for services if the contractor knowingly employs an unauthorized alien • Prohibits individuals from commencing day labor without completing an attestation under federal law • Creates private rights of actions for certain violations • Establishes the following state crimes: <ul style="list-style-type: none"> ○ Identification numbers and documents ○ False identity statement ○ Crimes established under federal law prohibiting the transporting, concealing, harboring, or shielding from detection of an alien or aiding, abetting, or engaging in conspiracy to commit one of those acts knowing or in reckless disregard of the fact that the alien has come to, entered, or remains in the United States in violation of law ○ Crime established under federal law prohibiting encouraging or inducing an alien to come to, enter into, or reside in the United States knowing or in reckless disregard of the fact that the alien is or would be in violation of law • Requires law enforcement officers to impound motor vehicles for violations of crimes relating to transporting, concealing, harboring, or shielding from detection aliens • Requires a judicial officer in setting bail to consider that the defendant is a foreign national who has not been lawfully admitted to the United States as relevant to the risk of nonappearance • Allows a law enforcement officer to arrest a person if the officer has probable cause to believe the person is an alien who meets certain criteria • Requires the Indiana economic development corporation and the Indiana department of agriculture to include certain agriculture jobs and wage rate son the corporation’s and department’s web sites • Requires the department of correction to verify the citizenship or immigration status of offenders 	
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Alabama	<p>HB 56, "Hammon-Beason Alabama Taxpayer and Citizen Protection Act" http://www.ago.state.al.us/Page-Immigration-Act-No-2011-535-Text</p>	<ul style="list-style-type: none"> • Requires Attorney General to attempt to negotiate a Memorandum of Agreement under certain conditions • Requires a person to present proof of citizenship and residency before voting • Precludes any state or local government or official from refusing to assist the federal government in the enforcement of federal immigration laws • Prohibits an alien unlawfully present in the United States from receiving any state or local public benefits, except: <ul style="list-style-type: none"> ○ Where exempted by federal law ○ For primary or secondary school education, and state or local public benefits listed in 8 U.S.C. § 1621(b) ○ For obtaining health care items and services that are necessary for the treatment of emergency medical condition of the person involved and are not related to an organ transplant procedure ○ For short term, noncash, in kind emergency disaster relief ○ Public health assistance for immunizations with respect to immunizable diseases, for Special Supplemental Nutrition Program for Women, Infants, and Children, and for testing and treatment of symptoms of communicable diseases, whether or not such symptoms are caused by a communicable disease 	<ul style="list-style-type: none"> • US Court of Appeals for the 11th Circuit ordered Alabama to stop enforcing the following parts of HB 56: • Provision requiring schools to check immigration status upon enrollment • Provision criminalizing failure to carry documents • Provision barring undocumented immigrants from obtaining a driver's license • Court barred AL Courts from enforcing immigration contracts involving undocumented immigrants • BUT in May 2012, HB 658, which maintains worst of HB 56, including education provisions was signed into law

		<ul style="list-style-type: none"> ○ For programs, services, or assistance, such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by federal law or regulation that satisfy all of the following: <ul style="list-style-type: none"> ▪ Deliver in-kind services at the community level, including services through public or private nonprofit agencies ▪ Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance on the income or resources of the individual recipient ▪ Are necessary for the protection of life or safety ○ For prenatal care ○ For child protective services and adult protective services and domestic violence service workers ● United States citizen applying for state or local public benefits, except those described in (e), shall sign a declaration that he or she is a United States citizen ● Verification that an alien seeking state or local public benefits is an alien lawfully present in the United States shall be made through the SAVE program operated by DHS. If for any reason the verification of an alien’s lawful presence through the SAVE program is delayed or inconclusive, the alien shall be eligible for state or local public benefits in the interim period if the alien signs a declaration that he or she is an alien lawfully present in the United States. <ul style="list-style-type: none"> ○ For the purposes of administering the Alabama Child Health Insurance Program, verification and documentation of lawful presence through any alternative means expressly authorized by federal law shall satisfy the requirements of this section. ● Prohibits a person not lawfully present from being eligible on the basis of residence for education benefits ● Requires business entities or employers seeking 	
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		<p>economic incentives to verify the employment eligibility of their employees and to provide penalties</p> <ul style="list-style-type: none"> • Requires an illegal alien to possess certain documents already required by federal law and to provide penalties • Prohibits an unauthorized alien from seeking employment in this state and to provide penalties • Requires the verification of the legal status of persons by law enforcement officers under certain circumstances • Criminalizes certain behavior relating to concealing, harboring, shielding, or attempting to conceal, harbor, or shield unauthorized aliens and to provide penalties • Creates the crime of dealing in false identification documents and the crime of vital records identity fraud and to provide penalties • Prohibits a business entity, employer, or public employer from knowingly employing an unauthorized alien and to provide penalties • Prohibits certain deductible business expenses; to make it a discriminatory practice for a business entity or employer to fail to hire a legally present job applicant or discharge an employee while retaining an employee who is an unauthorized alien under certain conditions • Requires the verification of legal status of every alien charged with a crime for which bail is required • Requires law enforcement to detain any alien whose lawful immigration status cannot be verified under certain conditions • Requires notification of the ICE and the Alabama Department of Homeland Security when an unlawfully present alien is convicted of state law • Provides for a stay of the provisions of this act when an alien unlawfully present is a victim or critical witness of a crime under certain conditions • Authorizes the Alabama Department of Homeland Security to hire state police officers and give the department enforcement power under certain conditions; to provide penalties for solicitation, attempt, or conspiracy to violate this 	
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		<p>act</p> <ul style="list-style-type: none"> • Requires the Alabama Department of Homeland Security to file a quarterly report with the Legislature under certain conditions • Requires the Alabama Department of Homeland Security to establish and maintain an E-Verify employer agent service under certain conditions • Prohibits the enforcement of certain contracts under certain conditions • Requires public schools to determine the citizenship and immigration status of students enrolling • Requires school districts to compile certain data and submit reports to the State Board of Education • Requires the State Board of Education to submit an annual report to the Legislature • Provides for eligibility and requirements for voter registration • Establishes a state election board and provides duties of the board • Provides that a person may obtain a certified copy of a birth certificate from the Department of Public Health free of charge under certain conditions • Prohibits an alien not lawfully present from entering into a business transaction under certain conditions and provides penalties • Prohibits a landlord from knowingly entering into a rental agreement to harbor an illegal alien and provide penalties • Provides that evidence of United States citizenship can be demonstrated by the applicant's driver's license or nondriver's identification card issued by the division of motor vehicles or the equivalent governmental agency of another state within the United States if the agency indicates on the applicant's driver's license or nondriver's identification card that the person has provided satisfactory proof of United States citizenship 	
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