

## **Immigrant Policy Project**

April 24, 2008

# Overview of State Legislation Related to Immigrants and Immigration January - March 2008

States are still tackling immigration related issues in a variety of policy arenas – More than 1,100 bills have been considered in the first quarter of 2008.

This report provides a first look at introduced legislation in 2008 and presents selected examples of enacted laws relating to immigrants and refugees. This process of legislative tracking and reporting is based on a comprehensive and inclusive methodology and captures all state legislation in which immigrants – whether authorized or unauthorized, temporary migrants, aliens and refugees – are affected.

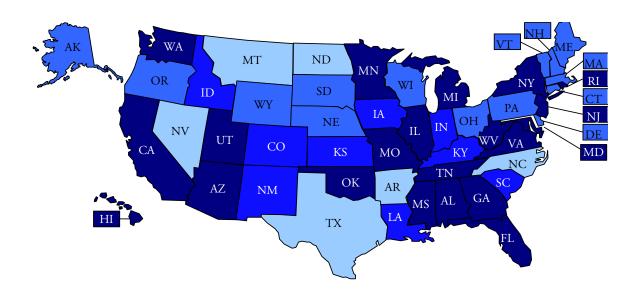
As of March 31, 2008, at least 1,106 bills have been considered in 44 states this year. Twenty-six states have enacted 44 laws and adopted 38 resolutions or memorials.

This level of activity is comparable to last year, when 1,169 bills and resolutions had been introduced (as of April 13, 2007). At this time last year, 18 states had enacted 57 laws related to immigrants and immigration. State legislatures had also adopted at least 19 resolutions and memorials.

States continue to address both enforcement and integration issues related to immigrants. As in recent years, the top three areas of interest are law enforcement, employment, and identification documents.

Six states are not in regular session in 2008, though two – Arkansas and Oregon – held special sessions. Montana, Nevada, North Dakota and Texas have no regular session. North Carolina's legislative session convenes on May 13, 2008.

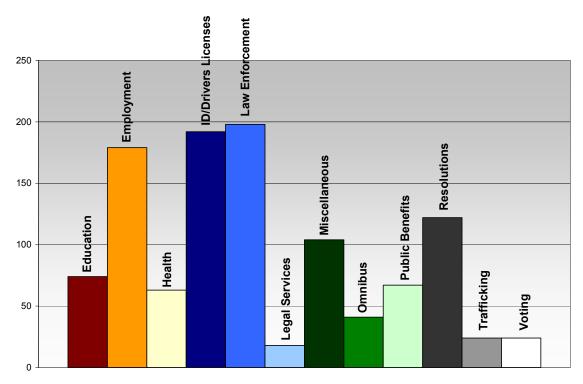
2008 Immigration-Related Legislative Activity, by State



High Activity States	Alabama, Arizona, California, Florida, Georgia,	21
(more than 21 pieces of	Hawaii, Illinois, Maryland, Michigan,	
legislation introduced)	Minnesota, Mississippi, Missouri, New Jersey,	
	New York, Oklahoma, Rhode Island,	
	Tennessee, Utah, Virginia, Washington, West	
	Virginia	
Medium Activity States	Colorado, Idaho, Indiana, Iowa, Kansas,	9
(11-20 introduced)	Kentucky, Louisiana, New Mexico, South	
	Carolina	
Low Activity States	Alaska, Connecticut, Delaware, Maine,	14
(1-10 introduced)	Massachusetts, Nebraska, New Hampshire,	
	Ohio, Oregon*, Pennsylvania, South Dakota,	
	Vermont, Wisconsin, Wyoming	
	*Oregon held a special session	
No Regular 2008 Legislative	Arkansas, Montana, Nevada, North Dakota,	6
Session / not yet in session	Texas, North Carolina*	
	*Legislature convenes 5/13/2008	

Source: NCSL, Immigrant Policy Project, 2008

Proposed State Immigration Legislation, by Policy Arena As of March 31, 2008



Source: NCSL, Immigrant Policy Project, 2008

Main Topics	Number of Bills Introduced	States
Education	74	22
Employment	179	31
Health	63	22
Human Trafficking	24	14
ID/Driver's Licenses/Other Licenses	192	35
Law Enforcement	198	35
Legal Services	18	10
Miscellaneous	104	31
Omnibus/Multi-Issue Measures	41	16
Public Benefits	67	25
Voting	24	12
Resolutions	122	28
TOTAL	1106	44

Source: NCSL, Immigrant Policy Project, 2008

#### **EDUCATION**

74 bills were introduced in 22 state legislatures:

Arizona, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Indiana, Maryland, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, Oklahoma, Rhode Island, Tennessee, Utah, Virginia, Washington, West Virginia and Wyoming.

Over a third of these proposed actions deal with tuition payment benefits and grants or scholarships. Some of the bills exclude unauthorized immigrants from attending higher education facilities. Others provide for assistance in learning English and for a larger selection of language classes.

#### **EMPLOYMENT**

179 bills were introduced in 31 state legislatures:

Alabama, Alaska, Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana Maryland, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington and West Virginia.

State legislatures deal with a variety of issues in the employment arena, including employer sanctions for hiring unauthorized workers and address the use of federal employment eligibility verification systems (E-Verify) by public agencies, private employers or state contractors. Other bills relate to immigrants' unemployment compensation, identity theft legislation specific to employment, wage withholding for non-resident aliens and state temporary worker programs in Arizona and Colorado.

#### **HEALTH**

63 bills were introduced in 22 state legislatures:

Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, Rhode Island, South Dakota, Tennessee, Virginia, Washington and Wisconsin.

These bills generally address eligibility requirements for health programs and services and identify programs that support certain immigrant and refugee communities and their access to health care. Several bills also relate to the licensure of foreign health professionals and some bills more specifically deal with the accreditation of Canadian health professionals.

#### **HUMAN TRAFFICKING**

24 bills were introduced in 14 state legislatures:

Arizona, California, Florida, Hawaii, Indiana, Maryland, Minnesota, New Jersey, New Mexico, Oklahoma, Rhode Island, Utah, Vermont and West Virginia.

These bills generally define the crime of human trafficking, sex trafficking and involuntary servitude and establish or increase penalties. Some bills provide for the creation of task forces to further investigate the issue. Some bills also provide for support services for victims.

#### ID / DRIVER'S LICENSES / OTHER LICENSES

192 pieces of legislation were introduced in 35 state legislatures:

Alaska, Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Iowa, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Vermont, Washington, and West Virginia.

85 bills relate to driver's licenses and other IDs: A majority of these bills would create stricter guidelines with regard to residential status and proof of legal status in obtaining an ID or driver's license. Several bills relate to the implementation of Real ID. Some bills would provide for certain non-citizens or unauthorized residents to obtain driving certificates. Others deal with penalties and procedures for uninsured drivers or drivers imprisoned with DUIs.

83 bills related to licensing: 20 proposals relate to the sale and/or possession of arms. Many bills address requirements for various professional and commercial licenses. Some legislation pertains to property, life settlements, and insurance.

24 bills address documentation requirements. These actions included several bills creating or expanding penalties for possessing or participating in the creation of false identification documents.

#### LAW ENFORCEMENT

198 bills were introduced in 35 state legislatures:

Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia and Wisconsin.

Several law enforcement bills include measures that would authorize the state attorney general to negotiate a Memorandum of Understanding (MOU) with the U.S. Department of Homeland Security with respect to state law enforcement agencies' cooperation in the

enforcement of federal immigration laws. Several bills would penalize the transportation or harboring of unauthorized aliens. A number of bills require law enforcement personnel to determine the immigration status of arrested or jailed non-citizens. Some bills relate to "sanctuary cities" for unauthorized immigrants and would create financial disincentives for such municipalities. Several bills also affect bail regulations for unauthorized individuals. One bill provides for the forfeiture of certain property of a person present in the state who is in violation of the immigration laws of the United States.

#### LEGAL SERVICES

18 pieces of legislation were introduced in 10 state legislatures: California, Florida, Hawaii, Idaho, Kentucky, Missouri, Minnesota, New Jersey, Virginia and Wisconsin.

Several bills establish certain criteria that must be met in order to give legal advice to immigrants. Others bills would assist legal permanent residents gain U.S. citizenship.

#### **MISCELLANEOUS**

104 proposals were introduced in 31state legislatures:

California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Iowa, Illinois, Kansas, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington and West Virginia.

Miscellaneous legislation includes a variety of legislative proposals, for instance providing for the creation of immigrant and refugee-related commissions, task forces, programs, as well as immigration studies. The miscellaneous category also includes 54 budget and appropriation bills that generally allocate federal funds for programs relating to migrants and refugees. These types of bills are captured for the first time this year.

#### OMNIBUS / MULTI-ISSUE LEGISLATION

41 omnibus bills were introduced in 16 states legislatures: Alabama, Indiana, Kansas, Kentucky, Minnesota, Missouri, Mississippi, New Hampshire, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, West Virginia and Wyoming.

These bills address multiple topics within one bill, such as employment, law enforcement and public benefits. They often include provisions regarding employer sanctions for hiring unauthorized workers; the use of federal employment eligibility verification systems; cooperation with the federal government on the enforcement of federal immigration laws

(MOUs); prohibitions on harboring or transporting unauthorized immigrants and the verification of citizenship/immigration status with respect to public benefits eligibility.

#### **PUBLIC BENEFITS**

67 bills related to public benefits were introduced in 25 state legislatures: Alabama, Arizona, California, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, West Virginia and Wyoming.

These bills by and large relate to individuals and their eligibility to receive public benefits and to state agencies and the basis on which benefits may be granted or denied to certain immigrants. For instance, bills require individuals to provide proof of being lawfully present in the United States before receiving certain public benefits. Some bills would require state agencies to use certain eligibility verification systems or to deny public benefits to unauthorized immigrants. Several bills would also make funds available for a variety of benefits targeted to support low-income households, minority groups and domestic violence victims, including immigrants and refugees.

#### **VOTING**

24 bills were introduced in 12 state legislatures: California, Colorado, Georgia, Maryland, Mississippi, Missouri, New York, Tennessee, Utah, Virginia, Washington and Wisconsin.

Bills in this category mainly require the verification of citizenship status in order to register to vote and to vote in elections or primaries. Some bills also define which documents are acceptable as proof of citizenship status.

### **RESOLUTIONS**

As of March 31, 2008, 122 resolutions were introduced in 28 state legislatures: Alabama, Arizona, California, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

Resolutions cover a wide variety topics: some state legislatures call on the United States Congress to pass immigration laws, others oppose federal REAL ID provisions. Several resolutions honor immigrant individuals for their service to their communities, and declare tributes to a variety of immigrant groups, including military personnel and veterans.

## **ENACTED / ADOPTED PROPOSALS**

As of March 31, 2008, 26 states have enacted 44 laws and adopted 38 resolutions or memorials:

Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kentucky, Michigan, Mississippi, Nebraska, New Mexico, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia and Wyoming.

# Examples of enacted legislation and adopted resolutions:

Education:	The Act addresses achievement of groups of students, provides best
	practices research and strategies for improving the academic success
Washington	rate. It also provides for the disaggregation of the assessment of
House Bill 3212	student learning results by at least the following subgroups of
	students: White, Black, Hispanic, American Indian/Alaskan Native,
	Asian, low income, transitional bilingual, migrant, special
Enacted: 03/26/2008	education, and students with disabilities.
Employment:	The Act requires every employer to register with and use the E-
	Verify program to verify the employment authorization status of all
Mississippi	newly-hired employees. No contractor or subcontractor shall hire
Senate Bill 2988	any employee unless registered and participating in the system.
	State agencies and employers with at least 250 employees must
	comply by July 1, 2008; employers with 100-249 employees must
	comply by July 1, 2009; employers with 30-99 employees must
	comply by July 1, 2010; and all employers by July 1, 2011.
	Penalties include loss of public contracts for up to three years, loss
Enacted: 03/17/2008	of licenses for up to one year, or both.
Health:	The Act provides that a psychologist licensed by another state, or by
	a province of Canada, may practice within this state for a maximum
South Dakota	of six months, during which time the psychologist's credentials shall
Senate Bill 51	be reviewed and the psychologist's application for licensing accepted
	or denied.
Enacted: 03/12/2008	
Human Trafficking:	The law creates penalties for human trafficking;establishes a task
	force to combat human trafficking; and provides appropriations for
New Mexico	services to victims of trafficking.
Senate Bill 71	
F 1 02/22/2000	
Enacted: 02/22/2008	
ID/ Drivers Licenses:	The law prohibits the issuance of a driver's license to persons not
т 1 1	lawfully present in the United States. For non-citizens or
Idaho	permanent legal residents, the law requires the expiration date of the
House Bill 366	license to be the same date as the end of lawful stay, but not longer
	than the same category of license issued to citizens. Those whose
E 1. 02/05/2000	documents do not state an expiration date shall be issued a driver's
Enacted: 03/05/2008	license with an expiration date of one year from the date of issuance.

Law Enforcement:	The Act adds a presumption against bail for any unauthorized alien
Vincinia	who has committed a criminal offense and is subject to detention by
Virginia House Bill 440	the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of
110use Dill 440	Homeland Security.
Enacted: 03/08/2008	Tromeland Security.
Legal Services:	The Act codifies that a notary public may not state or imply that he
	or she is an attorney licensed to practice law in this state and, more
Wisconsin	specifically, may not solicit or accept compensation to represent
Assembly Bill 468	another person in a proceeding relating to immigration to the
	United States or U.S. citizenship.
Enacted:3/18/2008	
Miscellaneous:	This law directs the Office of Legislative Research and General
TT. 1	Counsel to complete a study of all available remedies the state may
Utah House Bill 262	have in seeking reimbursement from the federal government for
House Dill 202	costs incurred by the state resulting from illegal immigration.
Enacted: 3/17/2008	
Omnibus / Multi-	This Act addresses law enforcement, licenses/IDs; employment; and
<u>Issue:</u>	public benefits. Specifically, it requires public employers to use the
	E-Verify system and it requires a state agency to verify lawful
Utah	presence in the United States with respect to public benefits. The
Senate Bill 81	Act also requires the attorney general to negotiate a Memorandum
	of Understanding with the United States Department of Homeland
	Security for the enforcement of federal immigration law by state
	and local law enforcement personnel. The law also prohibits local
	government units from enacting a policy that limits a law
	enforcement officer from cooperating with federal officials regarding the immigration status of a person. The law also makes it
	a class A misdemeanor for a person to transport, conceal, harbor or
	shelter unauthorized immigrants. The law takes effect on July 1,
Enacted: 03/13/2008	2009.
Public Benefits:	The Act creates a restricted special revenue fund, known as the
	Refugee Services Fund, and allows the Department of Workforce
Utah	Services to form nonprofit corporations or foundations for purposes
House Bill 336	related to the supplying of services to refugees located in the state,
	provides grants to such organizations, provides for administration of
	the Refugee Services Fund by the director of the Employment
Enacted: 03/17/2008	Development Division.
Voting:	The Law provides that the general registrar shall notify voters who
X7	are reported not to be citizens by the Department of Motor
Virginia	Vehicles prior to canceling their registrations, requires the notice to
House Bill 1185	inform the person of the report by the department and to allow the
	person to submit a sworn statement regarding their citizenship within a specified time frame and requires the registrar to cancel
	registrations of persons who do not respond as requested.
Enacted: 03/05/2008	105.001.0010 of persons who do not respond as requested.
2.1110000	

Resolution:	The resolution requests the United States Congress to expedite
	citizenship applications for our country's veterans and members of
Rhode Island	the armed services.
Senate Bill 2787	
Adopted: 03/27/2008	



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