2010 Immigration-Related Laws and Resolutions in the States

(December 1 – December 31, 2010)

State legislatures enacted a record number of laws and resolutions addressing immigration issues in 2010: 46 state legislatures and the District of Columbia enacted 208 laws and adopted 138 resolutions, for a total of 346. An additional 10 bills passed legislatures but were vetoed by governors. During the same period in 2009, 44 states enacted 202 laws and adopted 131 resolutions, for a total of 333. An additional 20 bills were vetoed.

Every state in regular session considered laws related to immigrants or immigration in 2010. State legislators introduced more than 1,400 bills and resolutions in 46 states and the District of Columbia, which is comparable to 2009, when 50 states considered more than 1,500 bills and resolutions pertaining to immigrants. Montana, Nevada, North Dakota and Texas were not in regular session in 2010. Resolutions hit a new high of 138, with 15 of these seeking congressional action.

As in previous years, law enforcement, identification/driver’s licenses and employment remained the top issues addressed in state legislation related to immigrants. E-verify legislation was enacted in four states—Georgia, Utah, Virginia and West Virginia. A new area of concern for state legislators in 2010 was child abductions. Alabama, Florida and Tennessee enacted laws to help prevent them.

Arizona’s immigration enforcement laws (SB 1070 and HB 2162) received considerable national attention in 2010. These laws added new state requirements, crimes and penalties related to enforcement of immigration laws and were to become effective on July 29, 2010. Before the laws could go into effect, the U.S. Department of Justice sought an injunction arguing that the laws are unconstitutional. On July 28, Judge Bolton granted the request for injunction in part and enjoined the provisions that: allow state law officers to determine the immigration status of anyone during a lawful stop; require individuals to carry their alien registration documents; prohibit unauthorized immigrants from applying for work; and permit a warrantless arrest if there is probable cause the offense would make the person removable from the United States. Arizona Governor Jan Brewer appealed the injunction and arguments were heard by the 9th U.S. Circuit Court of appeals on Nov. 1, 2010. More information on these Arizona laws can be found under the omnibus category, and online at http://www.ncsl.org/default.aspx?tabid=20263.

Bills similar to Arizona’s were subsequently introduced in six state legislatures—Illinois, Michigan, Minnesota, South Carolina, Pennsylvania, and Rhode Island—but none were enacted.

- State laws related to immigration have increased dramatically in recent years:
  - In 2005, 300 bills were introduced, 39 laws were enacted and six were vetoed.
  - In 2006, 570 bills were introduced, 72 were enacted, six were vetoed, and 12 resolutions were adopted for a total of 84.
  - In 2007, 1,562 bills were introduced, 178 were enacted, 12 were vetoed, and 50 resolutions were adopted for a total of 228.
- In 2008, 1,305 bills were introduced, 139 laws were enacted, three were vetoed, and 64 resolutions adopted for a total of 203.
- In 2009, more than 1,500 bills were introduced, 202 laws were enacted, 20 were vetoed, and 131 resolutions adopted for a total of 333.
- In 2010, more than 1,400 bills were introduced, 208 laws were enacted, 10 were vetoed, and 138 resolutions were adopted for a total of 346.

Summaries of all enacted laws and resolutions are available online in a searchable database and in a chart sorted alphabetically by state and by category at www.ncsl.org/programs/immig.

Methodology

This report summarizes laws and resolutions enacted between Jan. 1 and Dec. 31, 2010. Legislative proposals included in this overview address legal immigrants, migrant and seasonal workers, refugees or unauthorized immigrants. Terms used in this report by and large reflect the terms used in state legislation. In some state legislative language, unauthorized immigrants are also described as illegal or undocumented immigrants or aliens.

STATE IMMIGRATION-RELATED LAWS


Enacted Laws in 2009 and 2010
<table>
<thead>
<tr>
<th>Main Topics</th>
<th>2009 Number of Laws Enacted</th>
<th>2009 Number of States</th>
<th>2010 Number of Laws Enacted</th>
<th>2010 Number of States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budgets</td>
<td>-</td>
<td>-</td>
<td>49</td>
<td>29</td>
</tr>
<tr>
<td>Education</td>
<td>27</td>
<td>13</td>
<td>17</td>
<td>11</td>
</tr>
<tr>
<td>Employment</td>
<td>21</td>
<td>12</td>
<td>27</td>
<td>20</td>
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<tr>
<td>Health</td>
<td>28</td>
<td>13</td>
<td>17</td>
<td>13</td>
</tr>
<tr>
<td>Human Trafficking</td>
<td>16</td>
<td>10</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>ID/Driver’s Licenses and Other Licenses</td>
<td>46</td>
<td>33</td>
<td>26</td>
<td>21</td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>16</td>
<td>11</td>
<td>37</td>
<td>19</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>46</td>
<td>26</td>
<td>20</td>
<td>15</td>
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<tr>
<td>Omnibus/Multi-Issue Measures</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>1</td>
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<tr>
<td>Public Benefits</td>
<td>15</td>
<td>13</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>Voting</td>
<td>4</td>
<td>3</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>222</td>
<td>46</td>
<td>218</td>
<td>43</td>
</tr>
<tr>
<td>Resolutions</td>
<td>131</td>
<td>27</td>
<td>138</td>
<td>27</td>
</tr>
<tr>
<td>Total laws and resolutions passed/adopted by state legislatures</td>
<td>353</td>
<td>46</td>
<td>356</td>
<td>47</td>
</tr>
<tr>
<td>Vetoed by governors</td>
<td>20</td>
<td>3</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>Total enacted laws and resolutions</td>
<td>333</td>
<td></td>
<td>346</td>
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</tr>
</tbody>
</table>

Please note: Beginning in 2010, budget laws were removed from the miscellaneous category, while legal services laws have been combined with law enforcement. Some laws may have been reclassified since the July report or, upon further research, found not to include new legislative language related to immigrants.


**BUDGET (49)**


These laws typically appropriate funds for refugee resettlement programs, migrant health or education, law
enforcement, or naturalization assistance programs. (Note this new category, beginning in 2010, was formerly included in the miscellaneous category.)

Example: Michigan H 5875 requires the department of agriculture to apply for all federal funds for which it is eligible that can be used to support the migrant labor housing program.

EDUCATION (17)

Seventeen laws passed in 11 states: Arizona, California, Colorado, Florida, Illinois, Ohio, Oklahoma, Oregon, Utah, Washington and West Virginia. Four bills were vetoed.

These laws generally address in-state tuition eligibility, financial assistance, and English language acquisition and access. Some laws seek to disaggregate educational data for immigrants, migrants or certain ethnic groups or target at-risk groups including migrants or immigrants.

Example: Washington S 6467 allows the board of regents to grant honorary degrees for persons who were students at the university in 1942 and did not graduate because they were ordered into internment camps. The honorary degree may also be requested by a representative of deceased persons who meet these requirements.

EMPLOYMENT (27)

Twenty-seven laws were enacted in 20 states: Georgia, Hawaii, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Mississippi, Nebraska, New Mexico, New York, Oklahoma, South Carolina, Tennessee, Utah, Virginia, Washington, Wisconsin and West Virginia.

Many of these laws address employer sanctions for hiring unauthorized workers, employment eligibility verification requirements and penalties, health and safety standards, unemployment benefits and workers’ compensation.

Example: Iowa S 2181 grants authority to the Division of Labor Services of the Department of Workforce Development to establish guidelines, as needed, to bring Iowa’s occupational safety and health standards into compliance with federal standards. The law also requires every person, firm, or corporation employing migrant laborers to obtain and keep on file a work permit for migrant laborers prior to their employment.

HEALTH (17)

Seventeen laws passed in 13 states: Arizona, California, Colorado, Florida, Idaho, Illinois, Louisiana, Maryland, Minnesota, Missouri, Nebraska, Oklahoma and Tennessee. One bill was vetoed in California.

These laws generally address eligibility for health care benefits and the licensing of health care professionals and interpreters.

Example: Illinois H 5053 establishes a program in the Department of Public Health to ensure access to psychiatric health care services for all citizens of Illinois, with particular attention given to underserved populations and designated shortage areas, including migrant health centers.

HUMAN TRAFFICKING (8)

Eight laws were enacted in eight states: Alabama, Arizona, Colorado, Kansas, Oklahoma, Utah, Vermont, and Washington.
These laws add definitions related to human trafficking, human smuggling and forced labor, create new state penalties and offer assistance to victims.

Example: Colorado S 140 amends provisions related to trafficking in adults and children and the coercion of involuntary servitude. It requires proof of the use of force, fraud or coercion to prove the crime of trafficking in adults and children and involuntary servitude. The definition of coercion includes withholding or threatening to destroy documents relating to a person’s immigration status and threatening to notify law enforcement officials that a person is present in the United States in violation of federal immigration laws.

ID / DRIVER’S LICENSES AND OTHER LICENSES (26)

Twenty-six laws passed in 21 states: Alabama, Arizona, California, Connecticut, Georgia, Hawai’i, Idaho, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, South Carolina, South Dakota, Tennessee and Utah. Two bills were vetoed.

These laws relate to documentation and eligibility requirements for IDs and driver’s licenses, birth certificates for foreign adoptions, professional licenses, and firearm and hunting/fishing licenses.

Example: South Dakota H 1107 provides for the renewal of certain nonresident commercial driver licenses, requires evidence that the applicant is authorized to stay in the United States to renew a nonresident commercial driver license, and allows the Department of Transportation to renew a nonresident commercial driver license without a skills or knowledge test if the license has been expired for a period less than one year.

LAW ENFORCEMENT (37)

Thirty-seven laws passed in 19 states: Alabama, Arizona, California, Connecticut, Florida, Georgia, Illinois, Kansas, Louisiana, Maryland, Michigan, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia and Wyoming. One bill was vetoed.

These laws generally deal with collaboration with federal law enforcement agencies, processes for immigrant detention, prevention of child abduction, and responsibilities of law enforcement officers.

Example: Tennessee H 2995, the Uniform Child Abduction Prevention Act, authorizes a court to order child abduction prevention measures in a child custody proceeding and allows a parent or guardian to petition to prevent a child abduction if there is a credible risk. Factors that can be considered by the court in determining the risk of abduction include: a lack of strong familial, financial, emotional, or cultural ties to the state or the United States; strong familial, financial, emotional, or cultural ties to another state or country; the petitioner or respondent is likely to take the child to a country that is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and poses concerns due to safety, compliance or other issues; or a change in immigration or citizenship status that would adversely affect the respondent’s ability to remain in the United States legally.

MISCELLANEOUS (20)

Twenty laws were passed by legislatures in 15 states: Alabama, California, Florida, Illinois, Kentucky, Louisiana, Minnesota, Mississippi, Nebraska, New Hampshire, Rhode Island, Utah, Virginia, Washington and Wisconsin. One bill was vetoed.
These laws generally address immigration-related commissions and studies or make technical corrections to names of immigration agencies or offices. This section no longer includes budget and appropriation laws referring to non-citizens.

Example: Illinois H 5428 makes technical changes to the Illinois Adoption Act and updates references to the U.S. Immigration and Naturalization Service to the U.S. Citizenship and Immigration Services.

OMNIBUS / MULTI-ISSUE LEGISLATION (2)

Arizona enacted two laws (SB 1070 and HB 2162). SB 1070, enacted on April 23, was amended a week later by HB 2162. Key provisions include: a requirement that law enforcement reasonably attempt to determine the immigration status of a person involved in a lawful stop, detention or arrest in the enforcement of any other local or state law or ordinance where reasonable suspicion exists that the person is an alien and is unlawfully present, except if it may hinder or obstruct an investigation; allows an officer to make a warrantless arrest if the person to be arrested has committed any offense that makes the person removable from the United States; allows state residents to sue state and local agencies for noncompliance; establishes a state violation for failure to carry an alien registration document; and makes it unlawful for an unauthorized alien to knowingly apply for or perform work in Arizona. More information on these Arizona laws can be found at http://www.ncsl.org/default.aspx?tabid=20263.

PUBLIC BENEFITS (9)

Nine laws were enacted in seven states and D.C.: Arizona, California, Colorado, District of Columbia, Illinois, Massachusetts, Minnesota, and Washington.

These laws typically relate to individuals and their eligibility to receive public benefits, such as requiring proof of lawful presence in the United States before receiving certain public benefits. Some require state agencies to use certain eligibility verification systems or to deny public benefits to unauthorized immigrants. Some make funds available for certain immigrants and refugees.

Example: Minnesota S 1770 establishes the Ladder Out of Poverty Task Force and ensures that immigrants, along with many other groups, will have the opportunity to meet with and present views to the task force.

VOTING (6)

Six laws passed in three states: Alaska, California and Utah. One bill was vetoed.

These laws address regulations regarding voter registration, including verification of citizenship. They also pertain to the ability of immigrants to vote for public office and donate to campaigns.

Example: Utah S 53 defines the circumstances under which someone can challenge the validity of a person’s right to vote, including claims the person is not a citizen of the United States.

RESOLUTIONS (138)

One hundred thirty-eight resolutions and memorials were adopted in 27 states: Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Nebraska, New Jersey, New Mexico, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia and Wisconsin.
Most of these resolutions and memorials celebrate America’s ethnic heritage and others applaud programs or individuals that serve refugees or immigrants. Fifteen of the resolutions urge Congress to: fund E-Verify, reimburse states for emergency health to undocumented aliens, enact comprehensive immigration reform, enact the International Violence Against Women Act, secure borders, fund services for migrants, pass Filipino family reunification, address refugees in Darfur and Chad, and provide Haitians with temporary protected status.

Example: Colorado HJR 1003 memorializes the Haiti earthquake tragedy of Jan. 12, 2010 by extending sympathies to those affected by the tragedy, urging Coloradans to contribute to both immediate relief efforts and long-term assistance, and encouraging the U.S. Department of State and all other relevant agencies to assist with the immediate evacuation of orphans who are in the process of being adopted by Colorado families.

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