

By: Senator(s) Kirby

To: Judiciary, Division B

SENATE BILL NO. 2044

1 AN ACT TO AMEND SECTIONS 63-1-19 AND 45-35-5, MISSISSIPPI
 2 CODE OF 1972, TO PROHIBIT THE USE OF A MATRICULA CONSULAR CARD FOR
 3 IDENTIFICATION PURPOSES IN SECURING EITHER A DRIVER'S LICENSE OR A
 4 NONDRIVER'S IDENTIFICATION CARD; TO REQUIRE ALL GOVERNMENTAL
 5 CONTRACTORS TO PREFER MISSISSIPPI CITIZENS IN HIRING; TO CREATE
 6 FELONIES FOR MANUFACTURE OR USE OF FALSE DOCUMENTS TO CONCEAL
 7 IMMIGRATION OR CITIZENSHIP STATUS OR FOR FALSELY FILING FOR PUBLIC
 8 RECORD ANY SUCH DOCUMENT; TO REQUIRE THE DEPARTMENT OF FINANCE AND
 9 ADMINISTRATION TO INTERFACE WITH THE IMMIGRATION AND
 10 NATURALIZATION SERVICE DATABASE TO CHECK THE CITIZENSHIP OR ALIEN
 11 STATUS OF APPLICANTS FOR STATE EMPLOYMENT; AND FOR RELATED
 12 PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** Section 63-1-19, Mississippi Code of 1972, is
 15 amended as follows:

16 63-1-19. (1) (a) Every applicant for a license or permit
 17 issued pursuant to this article, or for renewal of such license or
 18 permit, shall file an application for such license, permit or
 19 renewal, on a form provided by the Department of Public Safety,
 20 with the commissioner or an official license examiner of the
 21 department. All persons not holding valid, unexpired licenses
 22 issued in this state shall be required to secure an original
 23 license, except those specifically exempted from licensing under
 24 Section 63-1-7. The application shall state the name, date of
 25 birth, the social security number of the applicant unless the
 26 applicant is not a United States citizen and does not possess a
 27 social security number issued by the United States government,
 28 sex, race, color of eyes, color of hair, weight, height and
 29 residence address, and whether or not the applicant's privilege to
 30 drive has been suspended or revoked at any time, and, if so, when,
 31 by whom, and for what cause, and whether any previous application
 32 by him has been denied, and whether he has any physical defects

33 which would interfere with his operating a motor vehicle safely
34 upon the highways.

35 (b) Every applicant for an original license shall show
36 proof of domicile in this state. The commissioner shall
37 promulgate any rules and regulations necessary to enforce this
38 requirement and shall prescribe the means by which an applicant
39 for an original license may show domicile in this state. Proof of
40 domicile shall not be required of applicants under eighteen (18)
41 years of age.

42 (c) Unless the applicant is not a United States citizen
43 and does not possess a social security number issued by the United
44 States government, each application or filing made under this
45 section shall include the social security number(s) of the
46 applicant in accordance with Section 93-11-64, Mississippi Code of
47 1972.

48 (2) No person who is illegally in the United States or
49 Mississippi shall be issued a license. The application of a
50 person who is not a United States citizen and who does not possess
51 a social security number issued by the United States government
52 shall state the name, date of birth, sex, race, color of eyes,
53 color of hair, weight, height and residence address, and whether
54 or not the applicant's privilege to drive has been suspended or
55 revoked at any time, and, if so, when, by whom, and for what
56 cause, and whether any previous application by him has been
57 denied, and whether he has any physical defects which would
58 interfere with his operating a motor vehicle safely upon the
59 highways. The commissioner shall adopt and promulgate such rules
60 and regulations as he deems appropriate requiring additional
61 documents, materials, information or physical evidence to be
62 provided by the applicant as may be necessary to establish the
63 identity of the applicant and that the applicant is not present in
64 the United States or the State of Mississippi illegally.

65 (3) The department shall not accept matricula consular cards
66 as proof of identification for driver's license application and
67 issuance purposes.

68 (4) (a) Any male who is at least eighteen (18) years of age
69 but less than twenty-six (26) years of age and who applies for a
70 permit or license or a renewal of a permit or license under this
71 chapter shall be registered in compliance with the requirements of
72 Section 3 of the Military Selective Service Act, 50 USCS Appx 451
73 et seq., as amended.

74 (b) The department shall forward in an electronic
75 format the necessary personal information of the applicant to the
76 Selective Service System. The applicant's submission of the
77 application shall serve as an indication that the applicant either
78 has already registered with the Selective Service System or that
79 he is authorizing the department to forward to the Selective
80 Service System the necessary information for registration. The
81 commissioner shall notify the applicant on, or as a part of, the
82 application that his submission of the application will serve as
83 his consent to registration with the Selective Service System, if
84 so required. The commissioner also shall notify any male
85 applicant under the age of eighteen (18) that he will be
86 registered upon turning age eighteen (18) as required by federal
87 law.

88 **SECTION 2.** Section 45-35-5, Mississippi Code of 1972, is
89 amended as follows:

90 45-35-5. (1) Data for the issuance of an identification
91 card shall include a birth certificate or other document to
92 establish the age and identity of the applicant, the social
93 security number of the applicant, and such other identifying data
94 as is required on an application for issuance of a driver's
95 license.

96 (2) The department shall not accept matricula consular cards
97 as proof of identification for driver's license application and
98 issuance purposes.

99 **SECTION 3.** (1) In the construction of any public work for
100 the state, or any county, or municipal corporation or any board,
101 committee, commission or officer thereof, whether the same be a
102 building, excavation, sewer or drainage construction, road
103 building, paving, bridge, or any other form or kind of public
104 work, preference in employment thereon shall be given to citizens
105 of the State of Mississippi who have resided and maintained
106 domiciles within the state for a period of not less than one (1)
107 year immediately prior to such employment. Persons other than
108 citizens of the state may be employed when citizens are not
109 available.

110 (2) Every contract for the construction of public works
111 shall provide that if this section is not complied with, the
112 contract shall be voidable at the instance of the state, county or
113 municipality making it.

114 (3) All boards, officers, agents or employees having the
115 power to enter into contracts which provide for the expenditure of
116 public money on public works, shall file in the office of the
117 Department of Finance and Administration the names and addresses
118 of all contractors holding contracts with the state, or any county
119 or municipal corporation, or with any board, committee, commission
120 or officer thereof. Upon the demand of the Director of the
121 Department of Finance and Administration, a contractor shall
122 furnish a list of the names and addresses of all his or its
123 subcontractors.

124 (4) Each contractor performing work for the state, or for
125 any county or municipal corporation, or for any board, committee,
126 commission, or officer thereof shall keep a list of his or its
127 employees, stating whether they are native born citizens or

128 naturalized citizens, and in case of naturalization, the date
129 thereof and the name of the court in which granted.

130 (5) Any person, firm or corporation violating the provisions
131 of this section shall be guilty of a misdemeanor, and upon
132 conviction shall be punished by a fine of not less than Fifty
133 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or
134 by imprisonment of not less than thirty (30) days nor more than
135 ninety (90) days, or by both such fine and imprisonment.

136 **SECTION 4.** (1) (a) Any person who manufactures,
137 distributes or sells any false government document with the intent
138 to conceal the true citizenship or resident alien status of
139 another person is guilty of a felony, and shall be punished by
140 commitment to the custody of the Department of Corrections for
141 five (5) years or by a fine not to exceed Seventy-five Thousand
142 Dollars (\$75,000.00), or both. Every false government document
143 that is manufactured or sold in violation of this section may be
144 charged and prosecuted as a separate and distinct violation, and
145 consecutive sentences may be imposed for each violation.

146 (b) A prosecuting attorney shall have discretion to
147 charge a defendant with a violation of this section or any other
148 law that applies.

149 (c) As used in this section, "government document"
150 means any document issued by the United States government or any
151 state or local government, including, but not limited to, any
152 passport, immigration visa, employment authorization card, birth
153 certificate, driver's license, identification card or social
154 security card.

155 (2) Any person who uses false government documents to
156 conceal his or her true citizenship or resident alien status is
157 guilty of a felony, and shall be punished by commitment to the
158 custody of the Department of Corrections for five (5) years or by
159 a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00), or
160 both.

161 (3) (a) Every person who knowingly procures or offers any
162 false or forged instrument to be filed, registered or recorded in
163 any public office within this state, which instrument, if genuine,
164 might be filed, registered or recorded under any law of this state
165 or of the United States, is guilty of a felony.

166 (b) Each instrument which is procured or offered to be
167 filed, registered or recorded in violation of paragraph (a) shall
168 constitute a separate violation of this subsection.

169 (c) Except in unusual cases where the interests of
170 justice would best be served if probation is granted, probation
171 shall not be granted to, nor shall the execution or imposition of
172 sentence be suspended for, any of the following persons:

173 (i) Any person with a prior conviction under this
174 section who is again convicted of a violation of this section in a
175 separate proceeding.

176 (ii) Any person who is convicted of more than one
177 (1) violation of this section in a single proceeding, with intent
178 to defraud another, and where the violations resulted in a
179 cumulative financial loss exceeding One Hundred Thousand Dollars
180 (\$100,000.00).

181 (d) For purposes of prosecution under this subsection,
182 each act of procurement or of offering a false or forged
183 instrument to be filed, registered or recorded shall be considered
184 a separately punishable offense.

185 **SECTION 5.** The Department of Finance and Administration is
186 directed to enter into an agreement with the federal Immigration
187 and Naturalization Service in order to interface with the
188 Immigration and Naturalization Service database to facilitate the
189 verification of citizenship and alien status of applicants for
190 state employment by the State Personnel Board.

191 **SECTION 6.** This act shall take effect and be in force from
192 and after July 1, 2005.