

By: Senator(s) Doxey

To: Business and Financial  
Institutions

SENATE BILL NO. 2736

1 AN ACT TO CREATE THE "ILLEGAL IMMIGRANT FEE ACT"; TO REQUIRE  
2 MONEY TRANSMISSION BUSINESSES TO COLLECT A PERCENTAGE FEE OF THE  
3 AMOUNT OF MONEY BEING TRANSMITTED; TO PROVIDE THAT THE FEE SHALL  
4 NOT APPLY TO TRANSACTIONS IF THE CUSTOMER PROVIDES ADEQUATE PROOF  
5 OF UNITED STATES CITIZENSHIP OR ADEQUATE PROOF THAT THE CUSTOMER  
6 IS LEGALLY PRESENT IN THE UNITED STATES; TO PROVIDE CRIMINAL  
7 PENALTIES FOR VIOLATIONS OF THE ACT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) This act shall be known and may be cited as  
10 the "Illegal Immigrant Fee Act."

11 (2) Any authorized agent of a licensee or any money  
12 transmission business which is subject to licensure under Section  
13 75-15-1 et seq., and which receives money for wire transmission  
14 shall collect from the customer a fee in the amount of five  
15 percent (5%) of the amount of money being transmitted. The fee  
16 shall not apply to any such transaction if the customer provides  
17 adequate proof of United States citizenship or adequate proof that  
18 the customer is legally present in the United States. Adequate  
19 proof shall consist only of valid identification documentation  
20 included on the list of acceptable documents of Employment  
21 Eligibility Verification Form I-9 of the federal Department of  
22 Homeland Security or valid documentation that the customer is  
23 paying taxes within this state by providing a current pay stub  
24 showing customer name and taxes withheld or current state or  
25 federal tax return. Any identification document issued by a  
26 foreign government or a driver's license or identification card  
27 issued by any state which, on or after July 1, 2007, authorized  
28 such driver's license or identification card to be issued to

29 persons not lawfully present in the United States shall not be  
30 accepted as evidence of lawful presence in the United States.

31 (3) The money transmission business shall give the customer  
32 a receipt setting forth:

33 (a) The date of receipt of the money;

34 (b) The amount of the fee, if applicable; and

35 (c) The amount of the money in dollars and cents.

36 (4) The fee shall be remitted to the State Treasurer and  
37 deposited into the State General Fund. Subject to the  
38 appropriations process, it is the intent of the Legislature that  
39 an amount equal to the amount of funds derived from the fees  
40 collected under this section shall be utilized for indigent care  
41 programs.

42 (5) It shall be unlawful for any person to knowingly and  
43 willfully transmit money on behalf of any person in order to avoid  
44 or evade the fee required under this section. Any person who  
45 violates this subsection shall, upon conviction thereof for a  
46 first offense, be guilty of a misdemeanor punishable by a fine not  
47 to exceed Five Hundred Dollars (\$500.00); for a second or  
48 subsequent offense, such person shall, upon conviction thereof, be  
49 guilty of a misdemeanor punishable by a fine not to exceed One  
50 Thousand Dollars (\$1,000.00) and imprisonment not to exceed six  
51 (6) months, or both.

52 (6) The Commissioner of Banking and Consumer Finance shall  
53 provide by rule or regulation for the implementation of this act,  
54 including, but not limited to, any appropriate administrative  
55 actions or fines for knowing and willful violations of this  
56 section.

57 **SECTION 2.** This act shall take effect and be in force from  
58 and after July 1, 2007.