

By: Senator(s) McDaniel

To: Universities and  
Colleges

SENATE BILL NO. 2064

1 AN ACT TO AMEND SECTION 37-103-7, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THAT AN ALIEN OF A FOREIGN COUNTRY WHO IS UNLAWFULLY  
3 PRESENT IN THE UNITED STATES SHALL BE CLASSIFIED A NONRESIDENT OF  
4 THE STATE FOR TUITION PURPOSES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** The Legislature finds that when illegal  
7 immigrants have been sheltered and harbored in this state and  
8 encouraged to reside in this state through the benefit of work  
9 without verifying immigration status, these practices impede and  
10 obstruct the enforcement of federal immigration law, undermine the  
11 security of our borders, and impermissibly restrict the privileges  
12 and immunities of the citizens of Mississippi. The Legislature  
13 further finds that illegal immigration is encouraged when public  
14 agencies within this state provide public benefits without  
15 verifying immigration status. Therefore, the Legislature declares  
16 that it is a compelling public interest of this state to  
17 discourage illegal immigration by requiring all agencies within  
18 this state to fully cooperate with federal immigration authorities  
19 in the enforcement of federal immigration laws. The Legislature  
20 also finds that other measures are necessary to ensure the  
21 integrity of various governmental programs and services.

22 **SECTION 2.** Section 37-103-7, Mississippi Code of 1972, is  
23 amended as follows:

24 37-103-7. For purposes of determining whether a person pays  
25 out-of-state or in-state tuition for attendance at universities  
26 and community and junior colleges, the residence of a person less  
27 than twenty-one (21) years of age is that of the father, the



28 mother or a general guardian duly appointed by a proper court in  
29 Mississippi. If a court has granted custody of the minor to one  
30 (1) parent, the residence of the minor is that of the parent who  
31 was granted custody by the court. If both parents are dead, the  
32 residence of the minor is that of the last surviving parent at the  
33 time of that parent's death, unless the minor lives with a general  
34 guardian duly appointed by a proper court of Mississippi, in which  
35 case his residence becomes that of the guardian. A student, other  
36 than an alien of a foreign country who is unlawfully present in  
37 the United States, residing within the State of Mississippi who,  
38 upon registration at a Mississippi institution of higher learning  
39 or community college, presents a transcript demonstrating  
40 graduation from a Mississippi secondary school and who has been a  
41 secondary school student in Mississippi for not less than the  
42 final four (4) years of secondary school attendance shall not be  
43 required to pay out-of-state tuition. This section shall not  
44 apply to the residence of a person as it relates to residency for  
45 voter registration or voting.

46       **SECTION 3.** This act shall take effect and be in force from  
47 and after July 1, 2010.

