

By: Representatives Currie, Boyd, Formby

To: Judiciary B

HOUSE BILL NO. 1223

1 AN ACT TO BE KNOWN AS THE "PROOF OF CITIZENSHIP FOR RECEIPT
2 OF PUBLIC BENEFITS ACT"; TO REQUIRE PERSONS WHO APPLY DIRECTLY TO
3 A STATE OR LOCAL AGENCY FOR PUBLIC BENEFITS TO PROVIDE CERTAIN
4 FORMS OF IDENTIFICATION TO THE AGENCY AND TO EXECUTE AN AFFIDAVIT
5 STATING THAT THE PERSON IS A UNITED STATES CITIZEN OR LEGAL
6 PERMANENT RESIDENT OR IS OTHERWISE LAWFULLY PRESENT IN THE UNITED
7 STATES UNDER FEDERAL LAW; TO PROVIDE FOR CERTAIN EXCEPTIONS TO
8 THOSE REQUIREMENTS; TO REQUIRE AGENCIES THAT ADMINISTER PUBLIC
9 BENEFITS TO VERIFY, THROUGH THE SYSTEMATIC ALIEN VERIFICATION OF
10 ENTITLEMENT (SAVE) PROGRAM OPERATED BY THE DEPARTMENT OF HOMELAND
11 SECURITY, THAT EACH NONCITIZEN APPLICANT WHO HAS EXECUTED AN
12 AFFIDAVIT IS AN ALIEN LEGALLY PRESENT IN THE UNITED STATES; TO
13 PROVIDE FOR A CRIMINAL PENALTY FOR DIRECTLY APPLYING TO AN AGENCY
14 FOR PUBLIC BENEFITS IN VIOLATION OF THE REQUIREMENTS OF THIS ACT;
15 AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** This act shall be known and may be cited as the
18 Proof of Citizenship for Receipt of Public Benefits Act.

19 **SECTION 2.** The following words and phrases when used in this
20 act shall have the meanings given to them in this section unless
21 the context clearly indicates otherwise:

22 (a) "Agency" means an agency, department or institution
23 of the state government or a local government.

24 (b) "Person" means an individual.



25 (c) (i) "Public benefits" means any of the following:

26 1. A grant, contract or loan provided by an
27 agency.

28 2. Any welfare, health, disability, public or
29 assisted housing, postsecondary education, food assistance,
30 unemployment benefit or any other similar benefit for which
31 payments or assistance are provided to an individual, household or
32 family eligibility unit by an agency.

33 (ii) The term "public benefits" does not include
34 any of the following:

35 1. Benefits listed under Section 411(b) of
36 the Personal Responsibility and Work Opportunity Reconciliation
37 Act of 1996 (Public Law 104-193, 8 USCS Section 1621(b)).

38 2. A contract, professional license or
39 commercial license for a nonimmigrant whose visa for entry is
40 related to such employment in the United States.

41 3. Benefits for an alien who as a
42 work-authorized nonimmigrant or as an alien lawfully admitted for
43 permanent residence under the Immigration and Nationality Act (66
44 Stat. 163, 8 USCS Section 1101 et seq.) qualified for those
45 benefits and for whom the United States under reciprocal treaty
46 agreements is required to pay benefits, as determined by the
47 Secretary of State, after consultation with the Attorney General
48 of the United States.



4. A professional license or a renewed professional license issued to a foreign national not physically present in the United States.

5. Any federal public benefit under Section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193, 8 USCS Section 1611(c)).

6. Services provided to women, infants and children through the Special Supplemental Nutrition Program for Women, Infants and Children.

SECTION 3. (1) A person who applies directly to an agency for public benefits shall:

(a) Provide, in person, by mail or by electronic means, one (1) of the following forms of identification to the agency:

(i) A valid driver's license or identification card issued by the Department of Public Safety;

(ii) A valid identification card issued by any other agency of the State of Mississippi;

(iii) A valid identification card issued by the United States government, a state government or the Canadian government;

(iv) A valid United States passport;

(v) A valid Armed Forces of the United States identification card; or



(vi) A form of identification as listed in United States Attorney General's Order Number 2129-97 Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as issued by the Department of Justice at 62 Fed. Reg. 61,344 (Nov. 17, 1997).

(b) Execute an affidavit stating that the person is a United States citizen or legal permanent resident or is otherwise lawfully present in the United States under federal law. The affidavit shall be provided, in person, by mail or by electronic means, to the agency.

(2) The agency shall maintain the affidavit required under subsection (1)(b) of this section in accordance with the applicable records retention schedule.

(3) Subsection (1) of this section does not apply to:

(a) A person under eighteen (18) years of age.

(b) A person currently receiving Supplemental Security Income or social security disability income.

(c) A person entitled to or enrolled in Medicare Part A or Part B, or both.

(d) A person applying for public benefits on behalf of a person under eighteen (18) years of age.

SECTION 4. (1) An agency that administers public benefits shall verify, through the Systematic Alien Verification of Entitlement (SAVE) program operated by the Department of Homeland



98 Security or a successor program designated by the Department of
99 Homeland Security, that each noncitizen applicant who has executed
100 an affidavit is an alien legally present in the United States.

101 (2) Until the verification of lawful presence is made, the
102 affidavit may be presumed to be proof of lawful presence for
103 purposes of this act.

104 **SECTION 5.** A person who directly applies to an agency for
105 public benefits in violation of Section 3 of this act is guilty of
106 violating Section 97-7-10.

107 **SECTION 6.** This act shall apply to applications for public
108 benefits and renewal of public benefits filed directly with an
109 agency on or after July 1, 2013.

110 **SECTION 7.** This act shall take effect and be in force from
111 and after July 1, 2013.

