

By: Representatives Currie, Boyd, Hopkins,
Barnett

To: Judiciary B

HOUSE BILL NO. 1506

1 AN ACT TO CREATE THE MISSISSIPPI SUPPORT OUR LAW ENFORCEMENT
2 AND SAFE NEIGHBORHOODS ACT OF 2012; TO SET FORTH LEGISLATIVE
3 INTENT AND SHORT TITLE; TO REQUIRE COOPERATION AND ASSISTANCE IN
4 ENFORCEMENT OF IMMIGRATION LAWS AND TO INDEMNIFY LAW ENFORCEMENT
5 OFFICERS FOR IMPLEMENTATION OF THIS ACT; TO REQUIRE PUBLIC SCHOOLS
6 TO DETERMINE THE STATUS OF ENROLLING STUDENTS; TO PROHIBIT ILLEGAL
7 ALIENS FROM ENTERING INTO BUSINESS TRANSACTIONS WITH THE STATE; TO
8 AMEND SECTION 99-3-7, MISSISSIPPI CODE OF 1972, TO CONFORM THE
9 ARREST WITHOUT WARRANT STATUTE; TO AMEND SECTION 71-11-3,
10 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR RETENTION OF E-VERIFY
11 CONFIRMATIONS FOR AT LEAST THREE YEARS; TO CREATE THE SPECIAL FUND
12 TO BE KNOWN AS THE IMMIGRATION REIMBURSEMENT FUND; TO AUTHORIZE
13 ALL MISSISSIPPI LAW ENFORCEMENT OFFICERS TO ASSIST FEDERAL
14 AGENCIES IN ENFORCEMENT OF IMMIGRATION LAW; TO REQUIRE THE BOARD
15 OF PUBLIC CONTRACTORS TO REVIEW CONTRACTOR COMPLIANCE WITH
16 E-VERIFY REQUIREMENTS; TO PROVIDE FOR THE DISSEMINATION OF
17 INFORMATION REGARDING EMPLOYMENT OPPORTUNITIES; TO PROVIDE FOR
18 SEVERABILITY, IMPLEMENTATION AND CONSTRUCTION; AND FOR RELATED
19 PURPOSES.

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

21 **SECTION 1. Legislative intent and short title.** (1) The
22 Legislature finds that there is a compelling interest in the
23 cooperative enforcement of federal immigration laws throughout all
24 of Mississippi. The Legislature declares that the intent of this
25 act is to make attrition through enforcement the public policy of
26 all state agencies and local governments in Mississippi. The



27 provisions of this act are intended to work together to discourage
28 and deter the unlawful entry and presence of aliens and economic
29 activity by persons unlawfully present in the United States.

30 (2) This act may be cited as the "Support Our Law
31 Enforcement and Safe Neighborhoods Act."

32 **SECTION 2. Cooperation and assistance in enforcement of**

33 **immigration laws.** (1) No official or agency of this state or a
34 political subdivision of this state shall limit or restrict the
35 enforcement of federal immigration laws.

36 (2) For any lawful arrest made by a law enforcement official
37 or a law enforcement agency of this state or a law enforcement
38 official or a law enforcement agency of a political subdivision of
39 this state in the enforcement of any other law or ordinance of a
40 county, municipality or the state where reasonable suspicion
41 exists that the person is an alien and is unlawfully present in
42 the United States, a reasonable attempt shall be made to determine
43 the immigration status of the person, except if the determination
44 may hinder or obstruct an investigation. The immigration status
45 of any person who is arrested shall be determined before the
46 person is released by verification with the federal government
47 pursuant to 8 USCS Section 1373(c). A law enforcement official or
48 agency of this state or political subdivision of this state shall
49 not consider race, color or national origin in implementing the
50 requirements of this subsection except to the extent permitted by
51 the United States or Mississippi Constitution. A person is



52 presumed to not be an alien who is unlawfully present in the
53 United States if the person provides to the law enforcement
54 officer or agency any of the following:

55 (a) A valid Mississippi driver's license.

56 (b) A valid Mississippi identification card issued
57 under Title 45, Chapter 35, Mississippi Code of 1972.

58 (c) A valid tribal enrollment card or other form of
59 tribal identification.

60 (d) If the entity requires proof of legal presence in
61 the United States before issuance, any valid United States
62 federal, state or local government issued identification or
63 driver's license.

64 (e) Proof that the person is an international business
65 executive of an international corporation authorized to transact
66 business in the state.

67 (3) If an alien who is unlawfully present in the United
68 States is convicted of a violation of state or local law, on
69 discharge from imprisonment or on the assessment of any monetary
70 obligation that is imposed, the United States Immigration and
71 Customs Enforcement or the United States Customs and Border
72 Protection shall be notified immediately.

73 (4) Notwithstanding any other law, a law enforcement agency
74 may securely transport to a federal facility in this state or to
75 any other point of transfer into federal custody that is outside
76 the jurisdiction of the law enforcement agency an alien for whom



77 the agency has received verification that the alien is unlawfully
78 present in the United States and is in the agency's custody.

79 (5) In the implementation of this section, an alien's
80 immigration status may be determined by:

81 (a) A law enforcement officer who is authorized by the
82 federal government to verify or ascertain an alien's immigration
83 status.

84 (b) The United States Immigration and Customs
85 Enforcement or the United States Customs and Border Protection
86 pursuant to 8 USCS Section 1373(c).

87 (6) Except as provided in federal law, officials or agencies
88 of this state and political subdivisions of this state may not be
89 prohibited or in any way be restricted from sending, receiving or
90 maintaining information relating to the immigration status, lawful
91 or unlawful, of any individual or exchanging that information with
92 any other federal, state or local governmental entity for the
93 following official purposes:

94 (a) Determining eligibility for any public benefit,
95 public assistance, service or license provided by any federal,
96 state, local or other political subdivision of this state.

97 (b) Verifying any claim of residence or domicile if
98 determination of residence or domicile is required under the laws
99 of this state or a judicial order issued pursuant to a civil or
100 criminal proceeding in this state.



101 (c) If the person is an alien, determining whether the
102 person is in compliance with the federal registration laws
103 prescribed by Title II, Chapter 7 of the federal Immigration and
104 Nationality Act.

105 (d) Pursuant to 8 USCS Section 1373 and 8 USCS Section
106 1644.

107 (7) This section does not implement, authorize or establish
108 and shall not be construed to implement, authorize or establish
109 the REAL ID Act of 2005 (Public Law 109-13, Division B; 119 Stat.
110 302), including the use of a radio frequency identification chip.

111 (8) A person who is a legal resident of this state may bring
112 an action in circuit court to challenge any agency of this state
113 or a political subdivision of this state that affirmatively adopts
114 or implements a written policy, or ordinance duly spread upon its
115 minutes that limits or restricts the enforcement of federal
116 immigration laws, including, but not limited to, 8 USCS Sections
117 1373 and 1644, to less than the full extent permitted by federal
118 law. If there is a judicial finding that an entity has violated
119 this section, the court shall order that the entity pay a civil
120 penalty of not less than Five Hundred Dollars (\$500.00) and not
121 more than Five Thousand Dollars (\$5,000.00) for each day that the
122 policy has remained in effect after the filing of an action
123 pursuant to this subsection.

124 (9) A court shall collect the civil penalty prescribed in
125 subsection (8) of this section and remit the civil penalty to the



126 State Treasurer for deposit in the Immigration Reimbursement Fund
127 established by Section 7 of House Bill No. 488, 2012 Regular
128 Session.

129 (10) The court may award court costs and reasonable
130 attorney's fees to any person or any official or agency of this
131 state or a political subdivision of this state that prevails by an
132 adjudication on the merits in a proceeding brought pursuant to
133 this section.

134 (11) A law enforcement officer shall not be liable in any
135 civil action for an arrest based on probable cause and in good
136 faith pursuant to subsection (2) of this section, or failure, in
137 good faith, to make an arrest pursuant to subsection (2) of this
138 section. A law enforcement officer is indemnified by the law
139 enforcement officer's agency against reasonable costs and
140 expenses, including attorney's fees, incurred by the officer in
141 connection with any action, suit or proceeding brought pursuant to
142 this section in which the officer may be a defendant by reason of
143 the officer being or having been a member of the law enforcement
144 agency.

145 (12) This section shall be implemented in a manner
146 consistent with federal laws regulating immigration, protecting
147 the civil rights of all persons, and respecting the privileges and
148 immunities of United States citizens.

149 **SECTION 3.** (1) For the purposes of this section, "business
150 transaction" includes any transaction between a person and the



151 state, including, but not limited to, applying for or renewing a
152 motor vehicle license plate, applying for or renewing a driver's
153 license or nondriver identification card, applying for or renewing
154 a business license, or applying for any license issued by the
155 state grants, loans or credits. "Business transaction" does not
156 include applying for a marriage license nor does it include any
157 business transaction entered into prior to the effective date of
158 this act or any transaction conducted by any business executive of
159 an international corporation authorized to transact business in
160 the state.

161 (2) An alien not lawfully present in the United States shall
162 not enter into or attempt to enter into a business transaction
163 with the state or a political subdivision of the state and no
164 person shall enter into a business transaction or attempt to enter
165 into a business transaction on behalf of an alien not lawfully
166 present in the United States.

167 (3) Any person entering into a business transaction or
168 attempting to enter into a business transaction with this state or
169 a political subdivision of this state shall be required to
170 demonstrate his or her United States citizenship, or if he or she
171 is an alien, his or her lawful presence in the United States to
172 the person conducting the business transaction on behalf of this
173 state or a political subdivision of this state. United States
174 citizenship shall be demonstrated by presentation of proper
175 documentation as required by law. An alien's lawful presence in



176 the United States shall be demonstrated by this state's or a
177 political subdivision of this state's verification of the alien's
178 lawful presence through the Systematic Alien Verification for
179 Entitlements program operated by the Department of Homeland
180 Security, or by other verification with the Department of Homeland
181 Security pursuant to 8 USCS, Section 1373(c).

182 (4) A violation of this section is a felony punishable by a
183 fine of not more than Five Thousand Dollars (\$5,000.00) or
184 imprisonment in the custody of the Department of Corrections for
185 not more than five (5) years, or both.

186 (5) An agency of this state or a county, city, town, or
187 other political subdivision of this state may not consider race,
188 color, or national origin in the enforcement of this section
189 except to the extent permitted by the United States Constitution
190 or the Mississippi Constitution of 1890.

191 (6) In the enforcement of this section, an alien's
192 immigration status shall be determined by verification of the
193 alien's immigration status with the federal government pursuant to
194 8 USCS, Section 1373(c). An official of this state or political
195 subdivision of this state shall not attempt to independently make
196 a final determination of whether an alien is lawfully present in
197 the United States.

198 **SECTION 4.** Section 99-3-7, Mississippi Code of 1972, is
199 amended as follows:



200 99-3-7. (1) An officer or private person may arrest any
201 person without warrant, for an indictable offense committed, or a
202 breach of the peace threatened or attempted in his presence; or
203 when a person has committed a felony, though not in his presence;
204 or when a felony has been committed, and he has reasonable ground
205 to suspect and believe the person proposed to be arrested to have
206 committed it; or on a charge, made upon reasonable cause, of the
207 commission of a felony by the party proposed to be arrested. And
208 in all cases of arrests without warrant, the person making such
209 arrest must inform the accused of the object and cause of the
210 arrest, except when he is in the actual commission of the offense,
211 or is arrested on pursuit.

212 (2) Any law enforcement officer may arrest any person on a
213 misdemeanor charge without having a warrant in his possession when
214 a warrant is in fact outstanding for that person's arrest and the
215 officer has knowledge through official channels that the warrant
216 is outstanding for that person's arrest. In all such cases, the
217 officer making the arrest must inform such person at the time of
218 the arrest the object and cause therefor. If the person arrested
219 so requests, the warrant shall be shown to him as soon as
220 practicable.

221 (3) (a) Any law enforcement officer shall arrest a person
222 with or without a warrant when he has probable cause to believe
223 that the person has, within twenty-four (24) hours of such arrest,
224 knowingly committed a misdemeanor or felony that is an act of



225 domestic violence or knowingly violated provisions of a criminal
226 domestic violence or sexual assault protection order issued
227 pursuant to Section 97-3-7(11), 97-3-65(6) or 97-3-101(5) or an ex
228 parte protective order, protective order after hearing or
229 court-approved consent agreement entered by a chancery, circuit,
230 county, justice or municipal court pursuant to the Protection from
231 Domestic Abuse Law, Sections 93-21-1 through 93-21-29, Mississippi
232 Code of 1972, or a restraining order entered by a foreign court of
233 competent jurisdiction to protect an applicant from domestic
234 violence.

235 (b) If a law enforcement officer has probable cause to
236 believe that two (2) or more persons committed an act of domestic
237 violence as defined herein, or if two (2) or more persons make
238 complaints of domestic violence to the officer, the officer shall
239 attempt to determine who was the principal aggressor. The term
240 principal aggressor is defined as the party who poses the most
241 serious ongoing threat, or who is the most significant, rather
242 than the first, aggressor. The officer shall presume that arrest
243 is not the appropriate response for the person or persons who were
244 not the principal aggressor. If the officer affirmatively finds
245 more than one (1) principal aggressor was involved, the officer
246 shall document those findings.

247 (c) To determine which party was the principal
248 aggressor, the officer shall consider the following factors,
249 although such consideration is not limited to these factors:



250 (i) Evidence from the persons involved in the
251 domestic abuse;

252 (ii) The history of domestic abuse between the
253 parties, the likelihood of future injury to each person, and the
254 intent of the law to protect victims of domestic violence from
255 continuing abuse;

256 (iii) Whether one (1) of the persons acted in
257 self-defense; and

258 (iv) Evidence from witnesses of the domestic
259 violence.

260 (d) A law enforcement officer shall not base the
261 decision of whether to arrest on the consent or request of the
262 victim.

263 (e) A law enforcement officer's determination regarding
264 the existence of probable cause or the lack of probable cause
265 shall not adversely affect the right of any party to independently
266 seek appropriate remedies.

267 (4) (a) Any person authorized by a court of law to
268 supervise or monitor a convicted offender who is under an
269 intensive supervision program may arrest the offender when the
270 offender is in violation of the terms or conditions of the
271 intensive supervision program, without having a warrant, provided
272 that the person making the arrest has been trained at the Law
273 Enforcement Officers Training Academy established under Section



274 45-5-1 et seq., or at a course approved by the Board on Law
275 Enforcement Officer Standards and Training.

276 (b) For the purposes of this subsection, the term
277 "intensive supervision program" means an intensive supervision
278 program of the Department of Corrections as described in Section
279 47-5-1001 et seq., or any similar program authorized by a court
280 for offenders who are not under jurisdiction of the Department of
281 Corrections.

282 (5) A law enforcement officer who makes an arrest without a
283 warrant under the authority of this section shall verify the
284 immigration status of the person arrested as provided in Section 2
285 of this act.

286 (* * *6) As used in subsection (3) of this section, the
287 phrase "misdemeanor or felony that is an act of domestic violence"
288 shall mean one or more of the following acts between current or
289 former spouses or a child of current or former spouses, persons
290 living as spouses or who formerly lived as spouses or a child of
291 persons living as spouses or who formerly lived as spouses, a
292 parent, grandparent, child, grandchild or someone similarly
293 situated to the defendant, persons who have a current or former
294 dating relationship, or persons who have a biological or legally
295 adopted child together:

296 (a) Simple or aggravated domestic violence within the
297 meaning of Section 97-3-7;



298 (b) Disturbing the family or public peace within the
299 meaning of Section 97-35-9, 97-35-11, 97-35-13 or 97-35-15; or

300 (c) Stalking within the meaning of Section 97-3-107.

301 (* * *7) Any arrest made pursuant to subsection (3) of this
302 section shall be designated as domestic assault or domestic
303 violence on both the arrest docket and the incident report. Any
304 officer investigating a complaint of a misdemeanor or felony that
305 is a crime of domestic violence who finds probable cause that such
306 an offense has occurred within the past twenty-four (24) hours
307 shall file an affidavit on behalf of the victim(s) of the crime,
308 regardless of whether an arrest is made within that time period.
309 If the crime is reported or investigated outside of that
310 twenty-four-hour period, the officer may file the affidavit on
311 behalf of the victim. In the event the officer does not file an
312 affidavit on behalf of the victim, the officer shall instruct the
313 victim of the procedure for filing on his or her own behalf.

314 (* * *8) A law enforcement officer shall not be held liable
315 in any civil action for an arrest based on probable cause * * *
316 pursuant to subsection (3) of this section, or failure, * * * to
317 make an arrest pursuant to subsection (3) of this section.

318 (* * *9) The authority for the State Chief Deputy Fire
319 Marshal and deputy state fire marshals to make arrests shall be
320 governed by the provisions of Section 45-11-1.

321 **SECTION 5.** Section 71-11-3, Mississippi Code of 1972, is
322 amended as follows:



323 71-11-3. (1) This chapter shall be known as the
324 "Mississippi Employment Protection Act."

325 (2) The provisions of this section shall be enforced without
326 regard to race, gender, religion, ethnicity or national origin.

327 (3) For the purpose of this section only, the following
328 words shall have the meanings ascribed herein unless the content
329 clearly states otherwise:

330 (a) "Employer" is any person or business that is
331 required by federal or state law to issue a United States Internal
332 Revenue Service Form W-2 or Form 1099 to report income paid to
333 employed or contracted personnel in Mississippi.

334 (b) "Employee" is any person or entity that is hired to
335 perform work within the State of Mississippi and to whom a United
336 States Internal Revenue Service Form W-2 or Form 1099 must be
337 issued.

338 (c) "Third-party employer" is any person or company
339 that provides workers for another person or company. This
340 includes, but is not limited to, leasing companies and contract
341 employers.

342 (d) "Status verification system" means the electronic
343 verification of work authorization program of the Illegal
344 Immigration Reform and Immigration Responsibility Act of 1996,
345 Public Law 104-208, Division C, Section 403(a); 8 USC, Section
346 1324a, and operated by the United States Department of Homeland
347 Security, known as the E-Verify Program.



348 (e) "Unauthorized alien" means an alien as defined in
349 Section 1324a(h) (3) of Title 8 of the United States Code, and
350 shall not include business executives of international
351 corporations authorized to transact business in the state.

352 (f) "Legal alien" means an individual who was lawfully
353 present in the United States at the time of employment and for the
354 duration of employment, or who was permanently residing in the
355 United States under color of law at the time of employment and for
356 the duration of employment.

357 (* * *g) "Public employer" means every department,
358 agency or instrumentality of the state or a political subdivision
359 of the state.

360 (* * *h) "Subcontractor" means a subcontractor,
361 contract employee, staffing agency or any contractor regardless of
362 its tier.

363 (4) (a) Employers in the State of Mississippi shall only
364 hire employees who are legal citizens of the United States of
365 America or are legal aliens. For purposes of this section, a
366 legal alien is an individual who was lawfully present in the
367 United States at the time of employment and for the duration of
368 employment, or was permanently residing in the United States under
369 color of law at the time of employment and for the duration of
370 employment. Employers shall not use a third party employer to
371 hire an unauthorized alien.



372 (b) (i) Every employer shall register with and utilize
373 the status verification system to verify the federal employment
374 authorization status of all newly hired employees and shall keep a
375 record of the verification for the duration of the employee's
376 employment or at least three (3) years, whichever is longer.

377 (ii) No contractor or subcontractor shall hire any
378 employee unless the contractor or subcontractor registers and
379 participates in the status verification system to verify the work
380 eligibility status of all newly hired employees.

381 (iii) No contractor or subcontractor who enters
382 into a contract with a public employer shall enter into such a
383 contract or subcontract unless the contractor or subcontractor
384 registers and participates in the status verification system to
385 verify information of all newly hired employees. This
386 subparagraph shall not apply to a contractor or subcontractor who
387 is self-employed and has no employees.

388 (c) The provisions of this section shall not apply to
389 any contracts entered into on or before July 1, 2008.

390 (d) (i) It shall be a discriminatory practice for an
391 employer to discharge an employee working in Mississippi who is a
392 United States citizen or permanent resident alien while retaining
393 an employee who the employing entity knows, or reasonably should
394 have known, is an unauthorized alien hired after July 1, 2008, and
395 who is working in Mississippi in a job category that requires
396 equal skill, effort and responsibility, and which is performed



397 under similar working conditions, as defined by 29 USC, Section
398 206(d)(1), as the job category held by the discharged employee.

399 (* * *ii) An employing entity which, on the date of
400 the discharge in question, was enrolled in and used the status
401 verification system to verify the employment eligibility of its
402 employees in Mississippi hired after July 1, 2008, shall be exempt
403 from liability, investigation or suit arising from any action
404 under this section.

405 (* * *iii) No cause of action for a violation of this
406 section shall lie under any other Mississippi law but shall arise
407 solely from the provisions of this section.

408 (5) Any employer that complies with the requirements of this
409 section shall be held harmless by the Mississippi Department of
410 Employment Security, provided the employer is not directly
411 involved in the creation of any false documents, and provided that
412 the employer did not knowingly and willfully accept false
413 documents from the employee.

414 (6) (a) All third-party employers that conduct business in
415 Mississippi shall register to do business in Mississippi with the
416 Mississippi Department of Employment Security before placing
417 employees into the workforce in Mississippi.

418 (b) Third-party employers shall provide proof of
419 registration and any participation in the status verification
420 system to any Mississippi employer with whom they do business.



421 (7) (a) State of Mississippi agencies and political
422 subdivisions, public contractors and public subcontractors and
423 private employers with two hundred fifty (250) or more employees
424 shall meet verification requirements not later than July 1, 2008.

425 (b) Employers with at least one hundred (100) but less
426 than two hundred fifty (250) employees shall meet verification
427 requirements not later than July 1, 2009.

428 (c) Employers with at least thirty (30) but less than
429 one hundred (100) employees shall meet verification requirements
430 not later than July 1, 2010.

431 (d) All employers shall meet verification requirements
432 not later than July 1, 2011.

433 (e) (i) Any employer violating the provisions of this
434 section shall be subject to the cancellation of any state or
435 public contract, resulting in ineligibility for any state or
436 public contract for up to three (3) years, the loss of any
437 license, permit, certificate or other document granted to the
438 employer by any agency, department or government entity in the
439 State of Mississippi for the right to do business in Mississippi
440 for up to one (1) year, or both.

441 (ii) The contractor or employer shall be liable
442 for any additional costs incurred by the agencies and institutions
443 of the State of Mississippi, or any of its political subdivisions,
444 because of the cancellation of the contract or the loss of any
445 license or permit to do business in the state.



446 (iii) Any person or entity penalized under
447 this * * * paragraph shall have the right to appeal to the
448 appropriate entity imposing sanctions bringing charges or to the
449 circuit court of competent jurisdiction.

450 (f) The Department of Employment Security, * * *
451 Department of Revenue, Secretary of State, Department of Human
452 Services, Board of Public Contractors, * * * the Attorney General
453 and any other state agency, department or government entity shall
454 have the authority to impose sanctions or seek penalties
455 authorized under this section * * *.

456 (8) (a) There shall be no liability under this section in
457 the following circumstances:

458 (i) An employer who hires an employee through a
459 state or federal work program that requires verification of the
460 employee's social security number and provides for verification of
461 the employee's lawful presence in the United States in an
462 employment-authorized immigration status;

463 (ii) Any candidate for employment referred by the
464 Mississippi Department of Employment Security, if the Mississippi
465 Department of Employment Security has verified the social security
466 number and provides for verification of the candidate's lawful
467 presence in the United States in an employment-authorized
468 immigration status; or



469 (iii) Individual homeowners who hire workers on
470 their private property for noncommercial purposes, unless required
471 by federal law to do so.

472 (b) (i) Compliance with the sections of this statute
473 shall not exempt the employer from regulations and requirements
474 related to any federal laws or procedures related to employers.

475 (ii) This section shall not be construed as an
476 attempt to preempt federal law.

477 (c) (i) It shall be a felony for any person to accept
478 or perform employment for compensation knowing or in reckless
479 disregard that the person is an unauthorized alien with respect to
480 employment during the period in which the unauthorized employment
481 occurred. Upon conviction, a violator shall be subject to
482 imprisonment in the custody of the Department of Corrections for
483 not less than one (1) year nor more than five (5) years, a fine of
484 not less than One Thousand Dollars (\$1,000.00) nor more than Ten
485 Thousand Dollars (\$10,000.00), or both.

486 (ii) For purposes of determining bail for persons
487 who are charged under this section, it shall be a rebuttable
488 presumption that a defendant who has entered and remains in the
489 United States unlawfully is deemed at risk of flight for purposes
490 of bail determination.

491 (d) Any employer who knowingly or in reckless disregard
492 of the provisions of this section hires an unauthorized alien



493 shall be subject to revocation of any license authorizing the
494 employer to conduct business in the state.

495 **SECTION 6.** (1) The Department of Public Safety shall
496 implement an Immigration Reimbursement Program that will provide
497 reimbursement to county jails and municipal jails from the fund
498 created in this section, to the extent funds may be available
499 therefor, of costs relating to incarceration of certain illegal
500 aliens, not to exceed Twenty Dollars (\$20.00) per eligible inmate
501 per day.

502 (2) There is created in the State Treasury a special fund to
503 be known as the Immigration Reimbursement Fund. The purpose of
504 the fund shall be to provide reimbursement to local governments of
505 unrecovered costs relating to the incarceration of illegal aliens.
506 Monies from the fund shall be distributed by the State Treasurer
507 upon warrants issued by the Department of Public Safety. The fund
508 shall be a continuing fund, not subject to fiscal-year
509 limitations, and shall consist of:

510 (a) Monies appropriated by the Legislature;

511 (b) The interest accruing to the fund;

512 (c) Monies received under the provisions of Section
513 2(9) and Section 71-11-3(8)(d) of House Bill No. 488, 2012 Regular
514 Session;

515 (d) Monies received from the federal government;

516 (e) Donations; and



517 (f) Monies received from such other sources as may be
518 provided by law.

519 **SECTION 7.** All law enforcement officers of this state are
520 authorized to assist federal agencies in the enforcement of
521 federal immigration law.

522 **SECTION 8.** The State Board of Contractors shall have the
523 duty to review contractor compliance with the status verification
524 system requirements for employers and public employers set forth
525 in Section 71-11-3(6) (k) of the Mississippi Employment Protection
526 Act in the course of the board's performance of its regular
527 inspection responsibilities under Title 31 of the Mississippi Code
528 of 1972. This information may be obtained by investigation, by
529 hearings, or by any other reasonable and lawful means. The board
530 shall keep information concerning contractor compliance
531 appropriately filed and shall disseminate to any interested person
532 information as to contractor compliance; the information
533 disseminated shall not identify individual employees or give
534 identifying information about individual employees. The board
535 shall have the power of subpoena in enforcing this section. If an
536 inspector finds a violation of the Mississippi Employment
537 Protection Act set forth in Section 71-11-3(6) (k), the board shall
538 file a complaint with the Attorney General under Section
539 71-11-3(4). The board is authorized to promulgate rules and
540 regulations to implement the provisions of this section.



541 **SECTION 9.** Nothing in this act shall prohibit any bona fide
542 nonprofit, religious or charitable organization from meeting, in
543 good faith, the immediate basic and human needs of any person
544 without charge or reimbursement.

545 **SECTION 10.** The Governor is authorized to research, develop
546 and disseminate information regarding jobs that may become
547 available as the result of the passage of this act and to consult
548 with the Mississippi Department of Agriculture and Commerce
549 regarding same. Such information shall be made available to
550 provide employment opportunities for Mississippi citizens and
551 legal migrant workers.

552 **SECTION 11.** (1) If a provision of this act or its
553 application to any person or circumstance is held invalid, the
554 invalidity does not affect other provisions or applications of the
555 act that can be given effect without the invalid provision or
556 application, and to this end the provisions of this act are
557 severable.

558 (2) The terms of this act regarding immigration shall be
559 construed to have the meanings given to them under federal
560 immigration law.

561 (3) This act shall be implemented in a manner consistent
562 with federal laws regulating immigration, protecting the civil
563 rights of all persons and respecting the privileges and immunities
564 of United States citizens.



565 (4) Nothing in this act shall implement or shall be
566 construed or interpreted to implement or establish the REAL ID Act
567 of 2005 (Public Law 109-13, Division B; 119 Stat. 302) including
568 the use of a radio frequency identification chip.

569 **SECTION 12.** This act shall take effect and be in force from
570 and after July 1, 2018.

