HOUSE BILL NO. 989

AN ACT TO PROHIBIT STATE AGENCIES, DEPARTMENTS, AND COMMISSIONS FROM PROVIDING SUPPORT OR RESOURCES TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, OR ANY OTHER FEDERAL DEPARTMENT OR AGENCY, FEDERAL CONTRACTOR, OR NONGOVERNMENTAL ORGANIZATION, IN TRANSPORTING TO THE STATE OF MISSISSIPPI ANY ILLEGAL ALIENS APPREHENDED AT THE SOUTHWEST BORDER WHO DO NOT HAVE LAWFUL STATUS UNDER THE IMMIGRATION LAWS OF THE UNITED STATES; TO DEFINE THE TERMS AND PHRASES "ILLEGAL ALIEN," "UNACCOMPANIED ALIEN CHILD" AND "EVIDENCE OF NEED" FOR PURPOSES OF THIS ACT; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO DETERMINE CERTAIN INFORMATION REGARDING ILLEGAL ALIENS WHO HAVE BEEN TRANSPORTED FROM THE SOUTHWEST BORDER TO THE STATE OF MISSISSIPPI SINCE JANUARY 2022, AND ARE BELIEVED TO REMAIN IN MISSISSIPPI; TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO DETAIN ANY VEHICLE WITHIN THE STATE OF MISSISSIPPI, REASONABLY BELIEVED TO BE TRANSPORTING ILLEGAL ALIENS TO MISSISSIPPI FROM THE SOUTHWEST BORDER, IF THERE IS A REASONABLE SUSPICION THAT THE VEHICLE IS BEING USED IN THE COMMISSION OF A STATE OFFENSE; TO REQUIRE THE ATTORNEY GENERAL AND THE DISTRICT ATTORNEY'S OFFICE IN EACH CIRCUIT COURT DISTRICT TO PROVIDE TO THE GOVERNOR AND THE DEPARTMENT OF PUBLIC SAFETY, ON A MONTHLY BASIS, CERTAIN INFORMATION REGARDING ILLEGAL ALIENS OR PERSONS SUSPECTED TO BE ILLEGAL ALIENS; TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES, DEPARTMENT OF CHILD PROTECTION SERVICES, AND THE DEPARTMENT OF HEALTH, TO DETERMINE THE AMOUNT OF STATE AND LOCAL FUNDS EXPENDED ON THE HEALTH CARE FOR ILLEGAL ALIENS IN THE STATE OF MISSISSIPPI FOR FISCAL YEAR 2022, AND FOR EACH FISCAL YEAR THEREAFTER; TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO DETERMINE WHETHER THE RESETTLEMENT OF UNACCOMPANIED ALIEN CHILDREN IN MISSISSIPPI FROM OUTSIDE OF THE STATE CONSTITUTES "EVIDENCE OF NEED," SUFFICIENT TO JUSTIFY THE AWARD OF A LICENSE TO FAMILY FOSTER HOMES, RESIDENTIAL CHILD-CARING AGENCIES, OR CHILD-PLACING AGENCIES THAT SEEK TO PROVIDE SERVICES FOR UNACCOMPANIED ALIEN CHILDREN; TO REQUIRE THE RESIDENTIAL CHILD-CARING AGENCIES OR CHILD-PLACING AGENCIES TO CONDUCT IN-PERSON WELFARE CHECKS OF THE
UNACCOMPANIED ALIEN CHILDREN THAT THEY PLACE WITH SPONSORS, IF IT
IS DETERMINED THAT SUCH CHECKS ARE NECESSARY, NO LESS THAN ONCE
EVERY SIX MONTHS; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO
CONDUCT REGULAR AUDITS OF COMPANIES DOING BUSINESS IN THE STATE OF
MISSISSIPPI, TO ENSURE THAT EMPLOYERS ARE VERIFYING THE EMPLOYMENT
ELIGIBILITY OF EMPLOYEES, AND PROVIDING FOR ENFORCEMENT OF
VIOLATIONS; TO REQUIRE ANY STATE AGENCY, DEPARTMENT OR COMMISSION
THAT DISCOVERS EVIDENCE OF A CRIME INVOLVING AN ILLEGAL ALIEN, TO
REPORT THE EVIDENCE TO THE DEPARTMENT OF PUBLIC SAFETY FOR
APPROPRIATE ACTION; TO REQUIRE ANY STATE AGENCY, DEPARTMENT OR
COMMISSION WITH APPROPRIATE JURISDICTION THAT DISCOVERS A
VIOLATION OF LAW BY A PRIVATE CONTRACTOR OR NONGOVERNMENTAL
ORGANIZATION INVOLVED IN THE RESETTLEMENT OF ILLEGAL ALIENS TO
MISSISSIPPI OR IN THE PLACEMENT OF UNACCOMPANIED ALIEN CHILDREN
WITH SPONSORS IN MISSISSIPPI TO TAKE ALL APPROPRIATE ACTION
PERMITTED UNDER STATE LAW; AND FOR RELATED PURPOSES.

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

SECTION 1. For purposes of this act, the following words and
phrases shall have the meanings as defined in this section, unless
the context clearly indicates otherwise:

(a) "Illegal alien" means an alien, as defined in 8 USC
Section 1101(a)(3), who is present in the United States and does
not have a lawful immigration status under the immigration laws of
the United States. Lawful immigration status does not include
parole under 8 USC Section 1182(d)(5).

(b) "Unaccompanied alien child" has the meaning as
declared in 6 USC Section 279(g)(2).

(c) "Evidence of need" means evidence, such as the
following, sufficient to justify the award of a license under
Mississippi law to family foster homes, residential child-caring
agencies, or child-placing agencies that seek to provide services
for unaccompanied alien children:
(i) The operation, conduct, and maintenance of foster homes, residential child-caring agencies, or child-placing agencies, and the responsibility which they assume for children served and the indication of need for that service;

(ii) The provision of food, clothing, educational opportunities, services, equipment, and individual supplies to assure the healthy physical, emotional, and mental development of the children served;

(iii) The appropriateness, safety, cleanliness, and general adequacy of the premises, including fire prevention and health standards, to provide for the physical comfort, care, and well-being of the children served;

(iv) The ratio of staff to children required to provide adequate care and supervision of the children served and, in the case of family foster homes, the maximum number of children in the home;

(v) The good moral character based upon screening, education, training, and experience requirements for personnel and family foster homes;

(vi) The provision of preservice and in-service training for all foster parents and agency staff;

(vii) Satisfactory evidence of financial ability to provide care for the children in compliance with licensing requirements;
(viii) The maintenance by the agency of records pertaining to admission, progress, health, and discharge of children served, including written case plans and reports to the department;

(xi) The provision for parental involvement to encourage preservation and strengthening of a child's relationship with the family;

(x) The transportation safety of children served;

(xi) The provisions for safeguarding the cultural, religious, and ethnic values of a child; and

(xii) Provisions to safeguard the legal rights of children served.

SECTION 2. Except as otherwise required by federal or state law, no state agency, department or commission shall provide support or resources to, or in any way assist, the United States Department of Homeland Security, or any other federal department or agency, federal contractor, or nongovernmental organization, in transporting to the State of Mississippi any aliens apprehended at the Southwest Border who do not have lawful status under the immigration laws of the United States.

SECTION 3. All state agencies, departments or commissions that provide funds, resources, benefits, or any other thing of value to any person shall use, unless prohibited by law or otherwise unavailable, the United States Citizenship and Immigration Services' Systematic Alien Verification for
Entitlements program, or any successor or similar applicable verification program, to confirm the eligibility of such person before providing any funds, resources, benefits, or any other thing of value.

SECTION 4. (1) The Department of Public Safety shall use all lawful investigative means available, including direct law enforcement requests to the United States Department of Homeland Security, requests for information under the Freedom of Information Act (5 USC Section 552), or any other lawful means, to determine the number and identities of all illegal aliens who have been transported from the Southwest Border to the State of Mississippi since January 2022, until the effective date of this act and are believed to remain in Mississippi.

(2) To the extent permitted by law, the information collected by the Department of Public Safety, as provided in subsection (1) of this section, shall include the name, country of origin, and last known address of each illegal alien; whether the illegal alien is an adult or minor; the criminal history of the illegal alien, including whether the alien has previously entered the United States illegally; the name and last known address of the sponsor of each illegal alien, if applicable; and the date, location, and status of removal proceedings for each illegal alien, including whether the alien has failed to appear for his or her removal proceeding.
(3) The Department of Public Safety shall coordinate with state and local officials to share information on any individual reasonably suspected of involvement in the commission of offenses that would constitute a violation of Mississippi law, especially any state offense for human trafficking or drug trafficking, in an effort to detect, prevent, and mitigate threats to public safety within the State of Mississippi.

SECTION 5. (1) The Department of Public Safety shall use all lawful investigative means available, including direct law enforcement requests to the United States Department of Homeland Security, coordination with law enforcement authorities of states on the Southwest Border, coordination with Mississippi airport authorities, requests for information under the Freedom of Information Act (5 USC Section 552) or Mississippi's Public Records Act, as applicable, or any other lawful means, to determine on an ongoing basis the number and identities of all illegal aliens whom the United States Department of Homeland Security, as well as any other federal departments or agencies, federal contractors, or affiliated nongovernmental organizations, are transporting from the Southwest Border to the State of Mississippi after the effective date of this act.

(2) To the extent permitted by law, the information collected by the Department of Public Safety, as provided in subsection (1) of this section, shall include the name, country of origin, and destination of each illegal alien; the anticipated
date and location of arrival; whether the illegal alien is an
adult or minor; whether the illegal alien has been tested for
COVID-19; the criminal history of the illegal alien, including
whether the alien has previously entered the United States
illegally; the name and address of the sponsor of each illegal
alien, if applicable; and the date, location, and status of
removal proceedings for each illegal alien.

(3) If chartered aircraft or buses are used to transport
illegal aliens to Mississippi, the Department of Public Safety
shall collect information on the anticipated arrival date, time,
and location of each charter. The department shall, where
permitted by law, coordinate with state and local officials to
share information on any individual reasonably suspected of
involvement in the commission of offenses that would constitute a
violation of Mississippi law, including any state offense for
human trafficking or drug trafficking, in an effort to detect,
prevent, and mitigate threats to public safety within the State of
Mississippi.

SECTION 6. (1) In the collection of the information as
provided in Section 4 of this act, agents and officers of the
Department of Public Safety are authorized to detain any aircraft,
bus, or other vehicle within the State of Mississippi, reasonably
believed to be transporting illegal aliens to Mississippi from the
Southwest Border, if the agent or officer has a reasonable
suspicion that the aircraft, bus, or other vehicle is being used
in the commission of a state offense, especially any state offense
for human trafficking or drug trafficking.

(2) During any detention authorized by this section, the
agent or officer shall reasonably attempt to determine, including
by contacting United States Immigration and Customs Enforcement
under 8 USC Section 1373(c), the immigration status and other
information provided in Section 4 of this act of any detained
person whom the agent or officer reasonably suspects is an illegal
alien from the Southwest Border.

(3) The detention must be conducted, consistent with the
United States and Mississippi Constitutions, and shall last no
longer than reasonably necessary to resolve the suspicion that
justified the detention. Under no circumstances may an agent or
officer consider a person's race, color, ethnicity, national
origin, or other immutable characteristic.

SECTION 7. (1) The Attorney General and the district
attorney's office in each circuit court district shall provide to
the Governor, on a monthly basis, the number of illegal aliens
and, for purposes of comparison, the total number of persons who
have been charged and are pending criminal prosecution within
their respective jurisdictions, including the number of offenses
charged by type for each group, and the number of illegal aliens
and, for purposes of comparison, the total number of persons who
were convicted in the preceding month, including the offenses of
conviction by type for each group. The Department of Public
Safety shall make this information available to the public on its website.

(2) In addition, the Attorney General and the district attorney's office in each circuit court district shall provide to the Department of Public Safety, the name, and any other relevant identifying information, including the charges, of all persons pending criminal prosecution whom the department reasonably believes, but has been unable to confirm, are illegal aliens. The department shall then provide such information to the United States Department of Homeland Security, which is obligated under 8 USC Sections 1226(d)(3) and 1373(c) to provide assistance in the identification of aliens unlawfully present in the United States who are pending criminal charges.

SECTION 8. (1) The Department of Human Services, in coordination with the Department of Child Protection Services, and the Department of Health, in coordination with county health departments, shall use all lawful means available to determine the amount of state and local funds expended on the health care, including emergency care, of illegal aliens in the State of Mississippi for fiscal year 2022, and for each fiscal year thereafter.

(2) In addition, the Department of Health shall require, consistent with federal and state law, managed care plans and hospitals to report any Medicaid or other governmental
expenditures incurred for illegal aliens for each fiscal year beginning with fiscal year 2022.

Where possible, this information shall distinguish between federal, state, and local funds. As applicable, the Department of Health shall provide the requested information to the Governor, and shall also make the information available to the public on its website.

SECTION 9. (1) The Department of Human Services shall determine the amount and purpose of state funds expended by the department for illegal aliens, including the number of illegal aliens, for fiscal year 2022, and for each fiscal year thereafter.

(2) The department shall provide the requested information to the Governor and shall also make the information available to the public on its website.

(3) In addition, the department shall determine whether the resettlement of unaccompanied alien children in Mississippi from outside of the state constitutes "evidence of need," sufficient to justify the award of a license under Mississippi law to family foster homes, residential child-caring agencies, or child-placing agencies that seek to provide services for unaccompanied alien children.

To the extent that such resettlement of unaccompanied alien children in Mississippi is determined not to constitute "evidence of need," the department shall not grant or renew any license for any family foster home, residential child-caring agency, or
child-placing agency that applies to house unaccompanied alien children in Mississippi and shall prohibit family foster homes, residential child-caring agencies, or child-placing agencies that already house unaccompanied alien children in Mississippi from accepting additional unaccompanied alien children.

(4) The residential child-caring agencies or child-placing agencies shall conduct in-person welfare checks of the unaccompanied alien children that they place with sponsors in Mississippi if the department determines that such checks are permitted by state law and are necessary to ensure both the well-being of the child and compliance with state law, especially the prevention of human trafficking. These welfare checks should be conducted no less than once every six (6) months until the child attains the age of eighteen (18), permanently leaves the State of Mississippi, is removed from the United States, or is granted a lawful immigration status, whichever comes first.

(5) The residential child-caring agencies or child-placing agencies shall document each welfare check, including whether the unaccompanied alien child has been enrolled in a Mississippi public school, and shall maintain such records until the child attains the age of eighteen (18), permanently leaves the State of Mississippi, is removed from the United States, or is granted a lawful immigration status, whichever comes first.

(6) The residential child-caring agencies or child-placing
agencies, as applicable, shall notify the department, which shall document and maintain a record of such notification, if they are unable to make contact with the sponsor of the unaccompanied alien child, if they are otherwise unable to confirm the welfare of the unaccompanied alien child, or if the welfare of the unaccompanied alien child is in jeopardy. The department shall then take appropriate action under state law.

(7) The department shall conduct regular audits to ensure that the residential child-caring agencies and child-placing agencies are complying with these requirements.

SECTION 10. (1) The Department of Public Safety, in coordination with the Attorney General, shall conduct regular audits of companies doing business in the State of Mississippi, consistent with available appropriations, to ensure compliance with Section 71-11-3, which requires employers to verify the employment eligibility of employees.

(2) The department shall prioritize audits of publicly traded corporations or companies with more than two hundred (200) employees that operate in sectors of the economy known for employing illegal aliens. The department shall notify the Department of Employment Security of any violations under Section 71-11-3, and the Department of Employment Security and the Attorney General shall then take appropriate action under Section 71-11-3.
SECTION 11. (1) In carrying out the actions required by this act, any state agency, department or commission that discovers evidence of a crime perpetrated by or involving an illegal alien, including human trafficking, drug trafficking, crimes of violence, fraud, theft, child abuse or neglect, or any other offense, shall report the evidence to the Department of Public Safety for appropriate action.

(2) Any state agency, department or commission with appropriate jurisdiction that discovers a violation of law by a private contractor or nongovernmental organization involved in the resettlement of illegal aliens to Mississippi or in the placement of unaccompanied alien children with sponsors in Mississippi shall, consistent with federal and state law, take all appropriate action permitted under state law, including fines or the revocation of licenses.

SECTION 12. This act shall take effect and be in force from and after July 1, 2022.