

By: Representative Currie

To: Judiciary B

## HOUSE BILL NO. 318

1 AN ACT TO PROHIBIT STATE AGENCIES, DEPARTMENTS, AND  
2 COMMISSIONS FROM PROVIDING SUPPORT OR RESOURCES TO THE UNITED  
3 STATES DEPARTMENT OF HOMELAND SECURITY, OR ANY OTHER FEDERAL  
4 DEPARTMENT OR AGENCY, FEDERAL CONTRACTOR, OR NONGOVERNMENTAL  
5 ORGANIZATION, IN TRANSPORTING TO THE STATE OF MISSISSIPPI ANY  
6 ILLEGAL ALIENS APPREHENDED AT THE SOUTHWEST BORDER WHO DO NOT HAVE  
7 LAWFUL STATUS UNDER THE IMMIGRATION LAWS OF THE UNITED STATES; TO  
8 DEFINE THE TERMS AND PHRASES "ILLEGAL ALIEN," "UNACCOMPANIED ALIEN  
9 CHILD" AND "EVIDENCE OF NEED" FOR PURPOSES OF THIS ACT; TO REQUIRE  
10 THE DEPARTMENT OF PUBLIC SAFETY TO DETERMINE CERTAIN INFORMATION  
11 REGARDING ILLEGAL ALIENS WHO HAVE BEEN TRANSPORTED FROM THE  
12 SOUTHWEST BORDER TO THE STATE OF MISSISSIPPI SINCE JANUARY 2023,  
13 AND ARE BELIEVED TO REMAIN IN MISSISSIPPI; TO AUTHORIZE THE  
14 DEPARTMENT OF PUBLIC SAFETY TO DETAIN ANY VEHICLE WITHIN THE STATE  
15 OF MISSISSIPPI, REASONABLY BELIEVED TO BE TRANSPORTING ILLEGAL  
16 ALIENS TO MISSISSIPPI FROM THE SOUTHWEST BORDER, IF THERE IS A  
17 REASONABLE SUSPICION THAT THE VEHICLE IS BEING USED IN THE  
18 COMMISSION OF A STATE OFFENSE; TO REQUIRE THE ATTORNEY GENERAL AND  
19 THE DISTRICT ATTORNEY'S OFFICE IN EACH CIRCUIT COURT DISTRICT TO  
20 PROVIDE TO THE GOVERNOR AND THE DEPARTMENT OF PUBLIC SAFETY, ON A  
21 MONTHLY BASIS, CERTAIN INFORMATION REGARDING ILLEGAL ALIENS OR  
22 PERSONS SUSPECTED TO BE ILLEGAL ALIENS; TO REQUIRE THE DEPARTMENT  
23 OF HUMAN SERVICES, DEPARTMENT OF CHILD PROTECTION SERVICES, AND  
24 THE DEPARTMENT OF HEALTH, TO DETERMINE THE AMOUNT OF STATE AND  
25 LOCAL FUNDS EXPENDED ON THE HEALTH CARE FOR ILLEGAL ALIENS IN THE  
26 STATE OF MISSISSIPPI FOR FISCAL YEAR 2023, AND FOR EACH FISCAL  
27 YEAR THEREAFTER; TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO  
28 DETERMINE WHETHER THE RESETTLEMENT OF UNACCOMPANIED ALIEN CHILDREN  
29 IN MISSISSIPPI FROM OUTSIDE OF THE STATE CONSTITUTES "EVIDENCE OF  
30 NEED," SUFFICIENT TO JUSTIFY THE AWARD OF A LICENSE TO FAMILY  
31 FOSTER HOMES, RESIDENTIAL CHILD-CARING AGENCIES, OR CHILD-PLACING  
32 AGENCIES THAT SEEK TO PROVIDE SERVICES FOR UNACCOMPANIED ALIEN  
33 CHILDREN; TO REQUIRE THE RESIDENTIAL CHILD-CARING AGENCIES OR  
34 CHILD-PLACING AGENCIES TO CONDUCT IN-PERSON WELFARE CHECKS OF THE



35 UNACCOMPANIED ALIEN CHILDREN THAT THEY PLACE WITH SPONSORS, IF IT  
36 IS DETERMINED THAT SUCH CHECKS ARE NECESSARY, NO LESS THAN ONCE  
37 EVERY SIX MONTHS; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO  
38 CONDUCT REGULAR AUDITS OF COMPANIES DOING BUSINESS IN THE STATE OF  
39 MISSISSIPPI, TO ENSURE THAT EMPLOYERS ARE VERIFYING THE EMPLOYMENT  
40 ELIGIBILITY OF EMPLOYEES, AND PROVIDING FOR ENFORCEMENT OF  
41 VIOLATIONS; TO REQUIRE ANY STATE AGENCY, DEPARTMENT OR COMMISSION  
42 THAT DISCOVERS EVIDENCE OF A CRIME INVOLVING AN ILLEGAL ALIEN, TO  
43 REPORT THE EVIDENCE TO THE DEPARTMENT OF PUBLIC SAFETY FOR  
44 APPROPRIATE ACTION; TO REQUIRE ANY STATE AGENCY, DEPARTMENT OR  
45 COMMISSION WITH APPROPRIATE JURISDICTION THAT DISCOVERS A  
46 VIOLATION OF LAW BY A PRIVATE CONTRACTOR OR NONGOVERNMENTAL  
47 ORGANIZATION INVOLVED IN THE RESETTLEMENT OF ILLEGAL ALIENS TO  
48 MISSISSIPPI OR IN THE PLACEMENT OF UNACCOMPANIED ALIEN CHILDREN  
49 WITH SPONSORS IN MISSISSIPPI TO TAKE ALL APPROPRIATE ACTION  
50 PERMITTED UNDER STATE LAW; AND FOR RELATED PURPOSES.

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

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

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

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

62 (c) "Evidence of need" means evidence, such as the  
63 following, sufficient to justify the award of a license under  
64 Mississippi law to family foster homes, residential child-caring  
65 agencies, or child-placing agencies that seek to provide services  
66 for unaccompanied alien children:



67 (i) The operation, conduct, and maintenance of  
68 foster homes, residential child-caring agencies, or child-placing  
69 agencies, and the responsibility which they assume for children  
70 served and the indication of need for that service;

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

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

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

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

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

88 (vii) Satisfactory evidence of financial ability  
89 to provide care for the children in compliance with licensing  
90 requirements;



91 (viii) The maintenance by the agency of records  
92 pertaining to admission, progress, health, and discharge of  
93 children served, including written case plans and reports to the  
94 department;

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

98 (x) The transportation safety of children served;

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

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

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

111 **SECTION 3.** All state agencies, departments or commissions  
112 that provide funds, resources, benefits, or any other thing of  
113 value to any person shall use, unless prohibited by law or  
114 otherwise unavailable, the United States Citizenship and  
115 Immigration Services' Systematic Alien Verification for



116 Entitlements program, or any successor or similar applicable  
117 verification program, to confirm the eligibility of such person  
118 before providing any funds, resources, benefits, or any other  
119 thing of value.

120       **SECTION 4.** (1) The Department of Public Safety shall use  
121 all lawful investigative means available, including direct law  
122 enforcement requests to the United States Department of Homeland  
123 Security, requests for information under the Freedom of  
124 Information Act (5 USC Section 552), or any other lawful means, to  
125 determine the number and identities of all illegal aliens who have  
126 been transported from the Southwest Border to the State of  
127 Mississippi since January 2023, until the effective date of this  
128 act and are believed to remain in Mississippi.

129       (2) To the extent permitted by law, the information  
130 collected by the Department of Public Safety, as provided in  
131 subsection (1) of this section, shall include the name, country of  
132 origin, and last known address of each illegal alien; whether the  
133 illegal alien is an adult or minor; the criminal history of the  
134 illegal alien, including whether the alien has previously entered  
135 the United States illegally; the name and last known address of  
136 the sponsor of each illegal alien, if applicable; and the date,  
137 location, and status of removal proceedings for each illegal  
138 alien, including whether the alien has failed to appear for his or  
139 her removal proceeding.



140 (3) The Department of Public Safety shall coordinate with  
141 state and local officials to share information on any individual  
142 reasonably suspected of involvement in the commission of offenses  
143 that would constitute a violation of Mississippi law, especially  
144 any state offense for human trafficking or drug trafficking, in an  
145 effort to detect, prevent, and mitigate threats to public safety  
146 within the State of Mississippi.

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

161 (2) To the extent permitted by law, the information  
162 collected by the Department of Public Safety, as provided in  
163 subsection (1) of this section, shall include the name, country of  
164 origin, and destination of each illegal alien; the anticipated



165 date and location of arrival; whether the illegal alien is an  
166 adult or minor; whether the illegal alien has been tested for  
167 COVID-19; the criminal history of the illegal alien, including  
168 whether the alien has previously entered the United States  
169 illegally; the name and address of the sponsor of each illegal  
170 alien, if applicable; and the date, location, and status of  
171 removal proceedings for each illegal alien.

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

183 **SECTION 6.** (1) In the collection of the information as  
184 provided in Section 4 of this act, agents and officers of the  
185 Department of Public Safety are authorized to detain any aircraft,  
186 bus, or other vehicle within the State of Mississippi, reasonably  
187 believed to be transporting illegal aliens to Mississippi from the  
188 Southwest Border, if the agent or officer has a reasonable  
189 suspicion that the aircraft, bus, or other vehicle is being used



190 in the commission of a state offense, especially any state offense  
191 for human trafficking or drug trafficking.

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

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

205 **SECTION 7.** (1) The Attorney General and the district  
206 attorney's office in each circuit court district shall provide to  
207 the Governor, on a monthly basis, the number of illegal aliens  
208 and, for purposes of comparison, the total number of persons who  
209 have been charged and are pending criminal prosecution within  
210 their respective jurisdictions, including the number of offenses  
211 charged by type for each group, and the number of illegal aliens  
212 and, for purposes of comparison, the total number of persons who  
213 were convicted in the preceding month, including the offenses of  
214 conviction by type for each group. The Department of Public





215 Safety shall make this information available to the public on its  
216 website.

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

228 **SECTION 8.** (1) The Department of Human Services, in  
229 coordination with the Department of Child Protection Services, and  
230 the Department of Health, in coordination with county health  
231 departments, shall use all lawful means available to determine the  
232 amount of state and local funds expended on the health care,  
233 including emergency care, of illegal aliens in the State of  
234 Mississippi for fiscal year 2023, and for each fiscal year  
235 thereafter.

236 (2) In addition, the Department of Health shall require,  
237 consistent with federal and state law, managed care plans and  
238 hospitals to report any Medicaid or other governmental



239 expenditures incurred for illegal aliens for each fiscal year  
240 beginning with fiscal year 2023.

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

246 **SECTION 9.** (1) The Department of Human Services shall  
247 determine the amount and purpose of state funds expended by the  
248 department for illegal aliens, including the number of illegal  
249 aliens, for fiscal year 2023, and for each fiscal year thereafter.

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

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

260 To the extent that such resettlement of unaccompanied alien  
261 children in Mississippi is determined not to constitute "evidence  
262 of need," the department shall not grant or renew any license for  
263 any family foster home, residential child-caring agency, or



264 child-placing agency that applies to house unaccompanied alien  
265 children in Mississippi and shall prohibit family foster homes,  
266 residential child-caring agencies, or child-placing agencies that  
267 already house unaccompanied alien children in Mississippi from  
268 accepting additional unaccompanied alien children.

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

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

287 (6) The residential child-caring agencies or child-placing



288 agencies, as applicable, shall notify the department, which shall  
289 document and maintain a record of such notification, if they are  
290 unable to make contact with the sponsor of the unaccompanied  
291 alien child, if they are otherwise unable to confirm the welfare  
292 of the unaccompanied alien child, or if the welfare of the  
293 unaccompanied alien child is in jeopardy. The department shall  
294 then take appropriate action under state law.

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

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

304 (2) The department shall prioritize audits of publicly  
305 traded corporations or companies with more than two hundred (200)  
306 employees that operate in sectors of the economy known for  
307 employing illegal aliens. The department shall notify the  
308 Department of Employment Security of any violations under Section  
309 71-11-3, and the Department of Employment Security and the  
310 Attorney General shall then take appropriate action under Section  
311 71-11-3.



312           **SECTION 11.** (1) In carrying out the actions required by  
313 this act, any state agency, department or commission that  
314 discovers evidence of a crime perpetrated by or involving an  
315 illegal alien, including human trafficking, drug trafficking,  
316 crimes of violence, fraud, theft, child abuse or neglect, or any  
317 other offense, shall report the evidence to the Department of  
318 Public Safety for appropriate action.

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

327           **SECTION 12.** This act shall take effect and be in force from  
328 and after July 1, 2023.

