

By: Senator(s) Kirby

To: Judiciary, Division B

SENATE BILL NO. 2144

1 AN ACT TO AMEND SECTIONS 63-1-19 AND 45-35-5, MISSISSIPPI
 2 CODE OF 1972, TO PROHIBIT THE USE OF A MATRICULA CONSULAR CARD FOR
 3 IDENTIFICATION PURPOSES IN SECURING EITHER A DRIVER'S LICENSE OR A
 4 NONDRIVER'S IDENTIFICATION CARD; TO REQUIRE ALL GOVERNMENTAL
 5 CONTRACTORS TO PREFER MISSISSIPPI CITIZENS IN HIRING; TO CREATE
 6 FELONIES FOR MANUFACTURE OR USE OF FALSE DOCUMENTS TO CONCEAL
 7 IMMIGRATION OR CITIZENSHIP STATUS OR FOR FALSELY FILING FOR PUBLIC
 8 RECORD ANY SUCH DOCUMENT; TO REQUIRE THE DEPARTMENT OF FINANCE AND
 9 ADMINISTRATION TO INTERFACE WITH THE IMMIGRATION AND
 10 NATURALIZATION SERVICE DATABASE TO CHECK THE CITIZENSHIP OR ALIEN
 11 STATUS OF APPLICANTS FOR STATE EMPLOYMENT; AND FOR RELATED
 12 PURPOSES.

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

14 **SECTION 1.** Section 63-1-19, Mississippi Code of 1972, is
 15 amended as follows:

16 63-1-19. (1) (a) Every applicant for a license or permit
 17 issued pursuant to this article, or for renewal of such license or
 18 permit, shall file an application for such license, permit or
 19 renewal, on a form provided by the Department of Public Safety,
 20 with the commissioner or an official license examiner of the
 21 department. All persons not holding valid, unexpired licenses
 22 issued in this state shall be required to secure an original
 23 license, except those specifically exempted from licensing under
 24 Section 63-1-7. The application shall state the name, date of
 25 birth, the social security number of the applicant unless the
 26 applicant is not a United States citizen and does not possess a
 27 social security number issued by the United States government,
 28 sex, race, color of eyes, color of hair, weight, height and
 29 residence address, and whether or not the applicant's privilege to
 30 drive has been suspended or revoked at any time, and, if so, when,
 31 by whom, and for what cause, and whether any previous application
 32 by him has been denied, and whether he has any physical defects

33 which would interfere with his operating a motor vehicle safely
34 upon the highways.

35 (b) Every applicant for an original license shall show
36 proof of domicile in this state. The commissioner shall
37 promulgate any rules and regulations necessary to enforce this
38 requirement and shall prescribe the means by which an applicant
39 for an original license may show domicile in this state. Proof of
40 domicile shall not be required of applicants under eighteen (18)
41 years of age.

42 (c) Unless the applicant is not a United States citizen
43 and does not possess a social security number issued by the United
44 States government, each application or filing made under this
45 section shall include the social security number(s) of the
46 applicant in accordance with Section 93-11-64, Mississippi Code of
47 1972.

48 (2) No person who is illegally in the United States or
49 Mississippi shall be issued a license. The application of a
50 person who is not a United States citizen and who does not possess
51 a social security number issued by the United States government
52 shall state the name, date of birth, sex, race, color of eyes,
53 color of hair, weight, height and residence address, and whether
54 or not the applicant's privilege to drive has been suspended or
55 revoked at any time, and, if so, when, by whom, and for what
56 cause, and whether any previous application by him has been
57 denied, and whether he has any physical defects which would
58 interfere with his operating a motor vehicle safely upon the
59 highways. The commissioner shall adopt and promulgate such rules
60 and regulations as he deems appropriate requiring additional
61 documents, materials, information or physical evidence to be
62 provided by the applicant as may be necessary to establish the
63 identity of the applicant and that the applicant is not present in
64 the United States or the State of Mississippi illegally.

65 (3) The department shall not accept matricula consular cards
66 as proof of identification for driver's license application and
67 issuance purposes.

68 (4) Whenever a person who has applied for or who has been
69 issued a license or permit under this article moves from the
70 address listed in the application or on the permit or license, or
71 whenever the name of a licensee changes by marriage or otherwise,
72 such person, within thirty (30) days thereafter, shall notify, in
73 writing, the Department of Public Safety, Driver Services
74 Division, and inform the department of his or her previous address
75 and new address and of his or her former name and new name. The
76 department shall not change the name of a licensee or permittee on
77 his or her license or permit unless the applicant appears in
78 person at an office of the department and provides a certified
79 copy of his or her marriage license, court order, birth
80 certificate or divorce decree changing the licensee's or
81 permittee's name.

82 (5) (a) Any male who is at least eighteen (18) years of age
83 but less than twenty-six (26) years of age and who applies for a
84 permit or license or a renewal of a permit or license under this
85 chapter shall be registered in compliance with the requirements of
86 Section 3 of the Military Selective Service Act, 50 USCS Appx 451
87 et seq., as amended.

88 (b) The department shall forward in an electronic
89 format the necessary personal information of the applicant to the
90 Selective Service System. The applicant's submission of the
91 application shall serve as an indication that the applicant either
92 has already registered with the Selective Service System or that
93 he is authorizing the department to forward to the Selective
94 Service System the necessary information for registration. The
95 commissioner shall notify the applicant on, or as a part of, the
96 application that his submission of the application will serve as
97 his consent to registration with the Selective Service System, if

98 so required. The commissioner also shall notify any male
99 applicant under the age of eighteen (18) that he will be
100 registered upon turning age eighteen (18) as required by federal
101 law.

102 **SECTION 2.** Section 45-35-5, Mississippi Code of 1972, is
103 amended as follows:

104 45-35-5. (1) Data for the issuance of an identification
105 card shall include a birth certificate or other document to
106 establish the age and identity of the applicant, the social
107 security number of the applicant, and such other identifying data
108 as is required on an application for issuance of a driver's
109 license.

110 (2) The department shall not accept matricula consular cards
111 as proof of identification for driver's license application and
112 issuance purposes.

113 **SECTION 3.** (1) In the construction of any public work for
114 the state, or any county, or municipal corporation or any board,
115 committee, commission or officer thereof, whether the same be a
116 building, excavation, sewer or drainage construction, road
117 building, paving, bridge, or any other form or kind of public
118 work, preference in employment thereon shall be given to citizens
119 of the State of Mississippi who have resided and maintained
120 domiciles within the state for a period of not less than one (1)
121 year immediately prior to such employment. Persons other than
122 citizens of the state may be employed when citizens are not
123 available.

124 (2) Every contract for the construction of public works
125 shall provide that if this section is not complied with, the
126 contract shall be voidable at the instance of the state, county or
127 municipality making it.

128 (3) All boards, officers, agents or employees having the
129 power to enter into contracts which provide for the expenditure of
130 public money on public works, shall file in the office of the

131 Department of Finance and Administration the names and addresses
132 of all contractors holding contracts with the state, or any county
133 or municipal corporation, or with any board, committee, commission
134 or officer thereof. Upon the demand of the Director of the
135 Department of Finance and Administration, a contractor shall
136 furnish a list of the names and addresses of all his or its
137 subcontractors.

138 (4) Each contractor performing work for the state, or for
139 any county or municipal corporation, or for any board, committee,
140 commission, or officer thereof shall keep a list of his or its
141 employees, stating whether they are native born citizens or
142 naturalized citizens, and in case of naturalization, the date
143 thereof and the name of the court in which granted.

144 (5) Any person, firm or corporation violating the provisions
145 of this section shall be guilty of a misdemeanor, and upon
146 conviction shall be punished by a fine of not less than Fifty
147 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or
148 by imprisonment of not less than thirty (30) days nor more than
149 ninety (90) days, or by both such fine and imprisonment.

150 **SECTION 4.** (1) (a) Any person who manufactures,
151 distributes or sells any false government document with the intent
152 to conceal the true citizenship or resident alien status of
153 another person is guilty of a felony, and shall be punished by
154 commitment to the custody of the Department of Corrections for
155 five (5) years or by a fine not to exceed Seventy-five Thousand
156 Dollars (\$75,000.00), or both. Every false government document
157 that is manufactured or sold in violation of this section may be
158 charged and prosecuted as a separate and distinct violation, and
159 consecutive sentences may be imposed for each violation.

160 (b) A prosecuting attorney shall have discretion to
161 charge a defendant with a violation of this section or any other
162 law that applies.

163 (c) As used in this section, "government document"
164 means any document issued by the United States government or any
165 state or local government, including, but not limited to, any
166 passport, immigration visa, employment authorization card, birth
167 certificate, driver's license, identification card or social
168 security card.

169 (2) Any person who uses false government documents to
170 conceal his or her true citizenship or resident alien status is
171 guilty of a felony, and shall be punished by commitment to the
172 custody of the Department of Corrections for five (5) years or by
173 a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00), or
174 both.

175 (3) (a) Every person who knowingly procures or offers any
176 false or forged instrument to be filed, registered or recorded in
177 any public office within this state, which instrument, if genuine,
178 might be filed, registered or recorded under any law of this state
179 or of the United States, is guilty of a felony.

180 (b) Each instrument which is procured or offered to be
181 filed, registered or recorded in violation of paragraph (a) shall
182 constitute a separate violation of this subsection.

183 (c) Except in unusual cases where the interests of
184 justice would best be served if probation is granted, probation
185 shall not be granted to, nor shall the execution or imposition of
186 sentence be suspended for, any of the following persons:

187 (i) Any person with a prior conviction under this
188 section who is again convicted of a violation of this section in a
189 separate proceeding.

190 (ii) Any person who is convicted of more than one
191 (1) violation of this section in a single proceeding, with intent
192 to defraud another, and where the violations resulted in a
193 cumulative financial loss exceeding One Hundred Thousand Dollars
194 (\$100,000.00).

195 (d) For purposes of prosecution under this subsection,
196 each act of procurement or of offering a false or forged
197 instrument to be filed, registered or recorded shall be considered
198 a separately punishable offense.

199 **SECTION 5.** The Department of Finance and Administration is
200 directed to enter into an agreement with the federal Immigration
201 and Naturalization Service in order to interface with the
202 Immigration and Naturalization Service database to facilitate the
203 verification of citizenship and alien status of applicants for
204 state employment by the State Personnel Board.

205 **SECTION 6.** This act shall take effect and be in force from
206 and after July 1, 2006.