

By: Representatives Currie, Arnold, Boyd, Brown (20th), Carpenter, Chism, Formby, Gipson, Huddleston (15th), Massengill, Monsour, Moore, Turner, Zuber, Baker

To: Judiciary B; Education

HOUSE BILL NO. 488  
(As Passed the House)

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 which is an act of domestic  
225 violence or knowingly violated provisions of an ex parte  
226 protective order, protective order after hearing or court-approved  
227 consent agreement entered by a chancery, circuit, county, justice  
228 or municipal court pursuant to the Protection from Domestic Abuse  
229 Law, Sections 93-21-1 through 93-21-29, Mississippi Code of 1972,  
230 or a restraining order entered by a foreign court of competent



231 jurisdiction to protect an applicant from domestic violence as  
232 defined by Section 97-3-7 that requires the person to refrain from  
233 further abuse or threats of abuse, to absent himself from a  
234 particular geographic area, or prohibit such person from being  
235 within a specified distance of another person or persons.

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

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

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

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

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

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

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





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

268 (4) (a) Any person authorized by a court of law to  
269 supervise or monitor a convicted offender who is under an  
270 intensive supervision program may arrest the offender when the  
271 offender is in violation of the terms or conditions of the  
272 intensive supervision program, without having a warrant, provided  
273 that the person making the arrest has been trained at the Law  
274 Enforcement Officers Training Academy established under Section  
275 45-5-1 et seq., or at a course approved by the Board on Law  
276 Enforcement Officer Standards and Training.

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

283 (5) A law enforcement officer who makes an arrest without a  
284 warrant under the authority of this section shall verify the  
285 immigration status of the person arrested as provided in Section 2  
286 of House Bill No. 488, 2012 Regular Session.

287 (6) As used in subsection (3) of this section, the phrase  
288 "misdemeanor which is an act of domestic violence" shall mean one  
289 or more of the following acts between current or former spouses or  
290 a child of current or former spouses, persons living as spouses or  
291 who formerly lived as spouses or a child of persons living as  
292 spouses or who formerly lived as spouses, other persons related by  
293 consanguinity or affinity who reside or formerly resided together,  
294 persons who have a current or former dating relationship, or  
295 persons who have a biological or legally adopted child together:



296 (a) Simple domestic violence within the meaning of  
297 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 crime of  
305 domestic violence who finds probable cause that such an offense  
306 has occurred within the past twenty-four (24) hours shall file an  
307 affidavit on behalf of the victim(s) of the crime, regardless of  
308 whether an arrest is made within that time period. If the crime  
309 is reported or investigated outside of that twenty-four-hour  
310 period, the officer may file the affidavit on behalf of the  
311 victim. In the event the officer does not file an affidavit on  
312 behalf of the victim, the officer shall instruct the victim of the  
313 procedure for filing on his or her own behalf.

314 (8) A law enforcement officer shall not be held liable in  
315 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 **SECTION 5.** Section 71-11-3, Mississippi Code of 1972, is  
319 amended as follows:

320 71-11-3. (1) This chapter shall be known as the  
321 "Mississippi Employment Protection Act."

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

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

327 (a) "Employer" is any person or business that is  
328 required by federal or state law to issue a United States Internal



329 Revenue Service Form W-2 or Form 1099 to report income paid to  
330 employed or contracted personnel in Mississippi.

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

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

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

345 (e) "Unauthorized alien" means an alien as defined in  
346 Section 1324a(h) (3) of Title 8 of the United States Code.

347 "Unauthorized alien" shall not include business executives of  
348 international corporations authorized to transact business in the  
349 state.

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

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

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



361 (4) (a) Employers in the State of Mississippi shall only  
362 hire employees who are legal citizens of the United States of  
363 America or are legal aliens. Employers shall not use a third  
364 party employer to hire an unauthorized alien.

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

370 (ii) No contractor or subcontractor shall hire any  
371 employee unless the contractor or subcontractor registers and  
372 participates in the status verification system to verify the work  
373 eligibility status of all newly hired employees.

374 (iii) No contractor or subcontractor who enters  
375 into a contract with a public employer shall enter into such a  
376 contract or subcontract unless the contractor or subcontractor  
377 registers and participates in the status verification system to  
378 verify information of all newly hired employees. This  
379 subparagraph shall not apply to a contractor or subcontractor who  
380 is self-employed and has no employees.

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

383 (d) (i) It shall be a discriminatory practice for an  
384 employer to discharge an employee working in Mississippi who is a  
385 United States citizen or permanent resident alien while retaining  
386 an employee who the employing entity knows, or reasonably should  
387 have known, is an unauthorized alien hired after July 1, 2008, and  
388 who is working in Mississippi in a job category that requires  
389 equal skill, effort and responsibility, and which is performed  
390 under similar working conditions, as defined by 29 USCS, Section  
391 206(d) (1), as the job category held by the discharged employee.

392 (ii) An employing entity which, on the date of the  
393 discharge in question, was enrolled in and used the status



394 verification system to verify the employment eligibility of its  
395 employees in Mississippi hired after July 1, 2008, shall be exempt  
396 from liability, investigation or suit arising from any action  
397 under this section.

398           (iii) No cause of action for a violation of this  
399 section shall lie under any other Mississippi law but shall arise  
400 solely from the provisions of this section.

401           (5) Any employer that complies with the requirements of this  
402 section shall be held harmless by the Mississippi Department of  
403 Employment Security, provided the employer is not directly  
404 involved in the creation of any false documents, and provided that  
405 the employer did not knowingly and willfully accept false  
406 documents from the employee.

407           (6) (a) All third-party employers that conduct business in  
408 Mississippi shall register to do business in Mississippi with the  
409 Mississippi Department of Employment Security before placing  
410 employees into the workforce in Mississippi.

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

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

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

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

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



426 (e) (i) Any employer violating the provisions of this  
427 section shall be subject to the cancellation of any state or  
428 public contract, resulting in ineligibility for any state or  
429 public contract for up to three (3) years, the loss of any  
430 license, permit, certificate or other document granted to the  
431 employer by any agency, department or government entity in the  
432 State of Mississippi for the right to do business in Mississippi  
433 for up to one (1) year, or both.

434 (ii) The contractor or employer shall be liable  
435 for any additional costs incurred by the agencies and institutions  
436 of the State of Mississippi, or any of its political subdivisions,  
437 because of the cancellation of the contract or the loss of any  
438 license or permit to do business in the state.

439 (iii) Any person or entity penalized under this  
440 paragraph shall have the right to appeal to the appropriate entity  
441 imposing sanctions or to the circuit court of competent  
442 jurisdiction.

443 (f) The Department of Employment Security, Department  
444 of Revenue, Secretary of State, Department of Human Services,  
445 Board of Public Contractors, the Attorney General and any other  
446 state agency, department or government entity shall have the  
447 authority to impose sanctions or seek penalties authorized under  
448 this section \* \* \*.

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

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

456 (ii) Any candidate for employment referred by the  
457 Mississippi Department of Employment Security, if the Mississippi  
458 Department of Employment Security has verified the social security



459 number and provides for verification of the candidate's lawful  
460 presence in the United States in an employment-authorized  
461 immigration status; or

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

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

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

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

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

484 (d) Any employer who knowingly or in reckless disregard  
485 of the provisions of this section hires an unauthorized alien  
486 shall be subject to revocation of any license authorizing the  
487 employer to conduct business in the state.

488 **SECTION 6.** (1) The Department of Public Safety shall  
489 implement an Immigration Reimbursement Program that will provide  
490 reimbursement to county jails and municipal jails from the fund  
491 created in this section, to the extent funds may be available



492 therefor, of costs relating to incarceration of certain illegal  
493 aliens, not to exceed Twenty Dollars (\$20.00) per eligible inmate  
494 per day.

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

503 (a) Monies appropriated by the Legislature;

504 (b) The interest accruing to the fund;

505 (c) Monies received under the provisions of Section  
506 2(9) and Section 71-11-3(8)(d) of House Bill No. 488, 2012 Regular  
507 Session;

508 (d) Monies received from the federal government;

509 (e) Donations; and

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

512 **SECTION 7.** All law enforcement officers of this state are  
513 authorized to assist federal agencies in the enforcement of  
514 federal immigration law.

515 **SECTION 8.** The State Board of Contractors shall have the  
516 duty to review contractor compliance with the status verification  
517 system requirements for employers and public employers set forth  
518 in Section 71-11-3(6)(k) of the Mississippi Employment Protection  
519 Act in the course of the board's performance of its regular  
520 inspection responsibilities under Title 31 of the Mississippi Code  
521 of 1972. This information may be obtained by investigation, by  
522 hearings, or by any other reasonable and lawful means. The board  
523 shall keep information concerning contractor compliance  
524 appropriately filed and shall disseminate to any interested person





525 information as to contractor compliance; the information  
526 disseminated shall not identify individual employees or give  
527 identifying information about individual employees. The board  
528 shall have the power of subpoena in enforcing this section. If an  
529 inspector finds a violation of the Mississippi Employment  
530 Protection Act set forth in Section 71-11-3(6)(k), the board shall  
531 file a complaint with the Attorney General under Section  
532 71-11-3(4). The board is authorized to promulgate rules and  
533 regulations to implement the provisions of this section.

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

538 **SECTION 10.** The Governor is authorized to research, develop  
539 and disseminate information regarding jobs that may become  
540 available as the result of the passage of this act and to consult  
541 with the Mississippi Department of Agriculture and Commerce  
542 regarding same. Such information shall be made available to  
543 provide employment opportunities for Mississippi citizens and  
544 legal migrant workers.

545 **SECTION 11.** (1) If a provision of this act or its  
546 application to any person or circumstance is held invalid, the  
547 invalidity does not affect other provisions or applications of the  
548 act that can be given effect without the invalid provision or  
549 application, and to this end the provisions of this act are  
550 severable.

551 (2) The terms of this act regarding immigration shall be  
552 construed to have the meanings given to them under federal  
553 immigration law.

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



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

562           **SECTION 12.** This act shall take effect and be in force from  
563 and after July 1, 2012.

