

SECOND REGULAR SESSION

SENATE BILL NO. 1186

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Read 1st time February 26, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5297S.011

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to immigration.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be known as section 208.009, to read as follows:

208.009. 1. No alien unlawfully present in the United States shall receive any state or local public benefit, except for state or local public benefits that are required to be offered by 8 U.S.C. 1621(b). Nothing in this section shall be construed to prohibit the rendering of emergency medical care, emergency assistance, or legal assistance to any person.

2. As used in this section "public benefit" means any grant, contract, loan, or license provided by an agency of state or local government; or any retirement, welfare, health, disability, housing, postsecondary education, food assistance, or unemployment benefit under which payments, assistance, credits, or reduced rates or fees are provided.

3. In addition to providing proof of other eligibility requirements, at the time of application for any state or local public benefit, an applicant who is eighteen years of age or older shall provide affirmative proof that the applicant is a citizen or a permanent resident of the United States or is lawfully present in the United States. Such affirmative proof shall include documentary evidence recognized by the department of revenue when processing an application for a driver's license, as well as any document issued by the federal government that confirms an alien's lawful presence in the United States.

4. An applicant who cannot provide the proof required under

22 this section at the time of application may alternatively sign an
23 affidavit under oath, attesting to either United States citizenship or
24 classification by the United States as an alien lawfully admitted for
25 permanent residence, in order to receive temporary benefits or
26 temporary identification document as provided in this section. The
27 affidavit shall include the applicant's Social Security number and an
28 explanation of the penalties under state law for obtaining public
29 assistance benefits fraudulently.

30 5. An applicant who has provided the sworn affidavit required
31 under subsection 4 of this section is eligible to receive temporary
32 public benefits as follows:

33 (1) For ninety days or until such time that it is determined that
34 the applicant is not lawfully present in the United States, whichever is
35 earlier; or

36 (2) Indefinitely if the applicant provides a copy of a completed
37 application for a birth certificate that is pending in Missouri or some
38 other state. An extension granted under this subdivision shall
39 terminate upon the applicant's receipt of a birth certificate or a
40 determination that a birth certificate does not exist because the
41 applicant is not a United States citizen.

42 6. An applicant who is an alien shall not receive any state or
43 local public benefit unless the alien's lawful presence in the United
44 States is first verified by the federal government, under 8 U.S.C.
45 1373(c). State and local agencies administering public benefits in this
46 state shall cooperate with the United States Department of Homeland
47 Security in achieving verification of an alien's lawful presence in the
48 United States in furtherance of this section. The system utilized may
49 include the Systematic Alien Verification for Entitlements Program
50 operated by the United States Department of Homeland Security.

✓