



Immigrant Policy Project

April 24, 2008

Overview of State Legislation Related to Immigrants and Immigration January - March 2008

States are still tackling immigration related issues in a variety of policy arenas – More than 1,100 bills have been considered in the first quarter of 2008.

This report provides a first look at introduced legislation in 2008 and presents selected examples of enacted laws relating to immigrants and refugees. This process of legislative tracking and reporting is based on a comprehensive and inclusive methodology and captures all state legislation in which immigrants – whether authorized or unauthorized, temporary migrants, aliens and refugees – are affected.

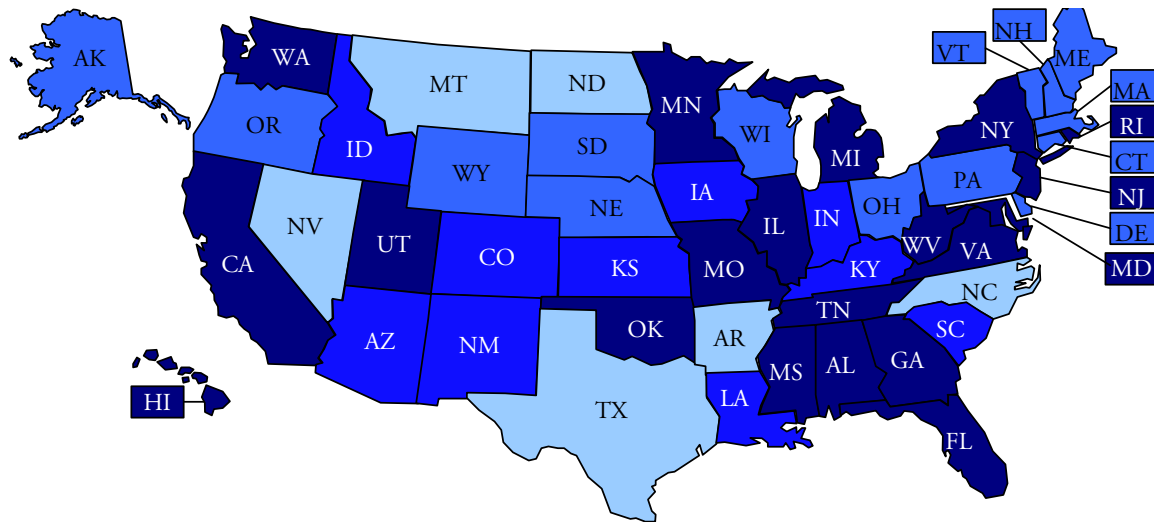
As of March 31, 2008, at least 1,106 bills have been considered in 44 states this year. Twenty-six states have enacted 44 laws and adopted 38 resolutions or memorials.





This level of activity is comparable to last year, when 1,169 bills and resolutions had been introduced (as of April 13, 2007). At this time last year, 18 states had enacted 57 laws related to immigrants and immigration. State legislatures had also adopted at least 19 resolutions and memorials.

States continue to address both enforcement and integration issues related to immigrants. As in recent years, the top three areas of interest are law enforcement, employment, and identification documents.

Six states are not in regular session in 2008, though two – Arkansas and Oregon – held special sessions. Montana, Nevada, North Dakota and Texas have no regular session. North Carolina's legislative session convenes on May 5, 2008.

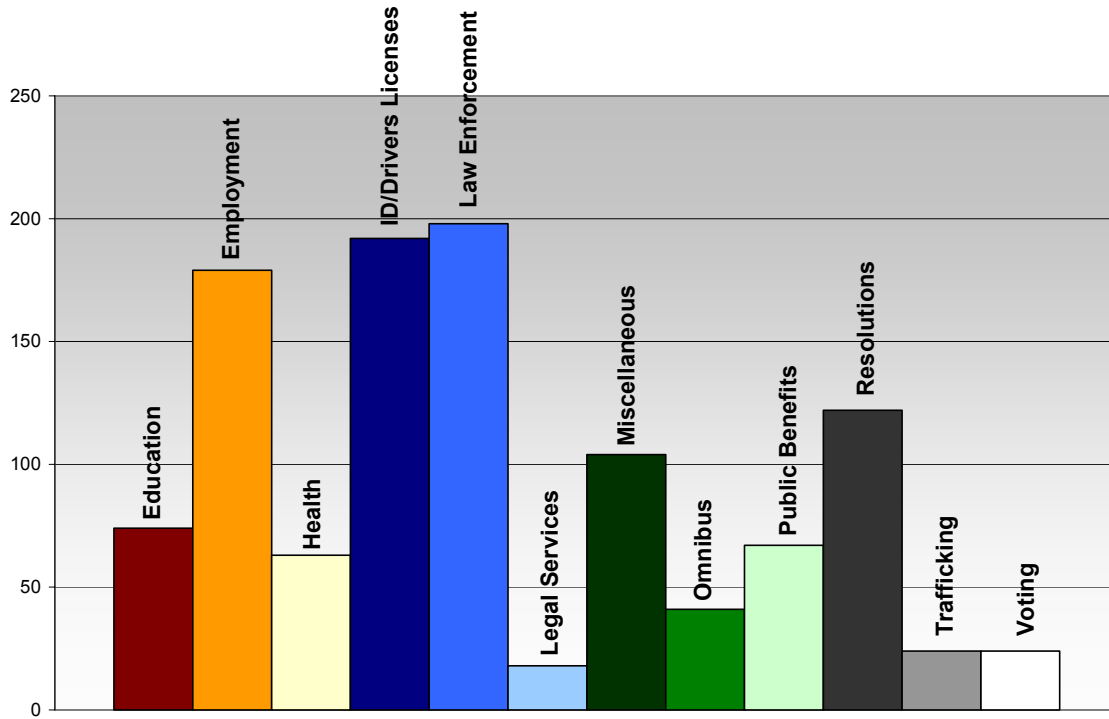
2008 Immigration-Related Legislative Activity, by State



High Activity States (more than 21 pieces of legislation introduced) 	Alabama, Arizona, California, Florida, Georgia, Hawaii, Illinois, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Oklahoma, Rhode Island, Tennessee, Utah, Virginia, Washington, West Virginia	21
Medium Activity States (11-20 introduced) 	Colorado, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, New Mexico, South Carolina	9
Low Activity States (1-10 introduced) 	Alaska, Connecticut, Delaware, Maine, Massachusetts, Nebraska, New Hampshire, Ohio, Oregon*, Pennsylvania, South Dakota, Vermont, Wisconsin, Wyoming <i>*Oregon held a special session</i>	14
No Regular 2008 Legislative Session / not yet in session 	Arkansas, Montana, Nevada, North Dakota, Texas, North Carolina* <i>*Legislature convenes 5/13/2008</i>	6

Source: NCSL, Immigrant Policy Project, 2008

Proposed State Immigration Legislation, by Policy Arena
As of March 31, 2008



Source: NCSL, Immigrant Policy Project, 2008

Main Topics	Number of Bills Introduced	States
Education	74	22
Employment	179	31
Health	63	22
Human Trafficking	24	14
ID/Driver's Licenses/Other Licenses	192	35
Law Enforcement	198	35
Legal Services	18	10
Miscellaneous	104	31
Omnibus/Multi-Issue Measures	41	16
Public Benefits	67	25
Voting	24	12
Resolutions	122	28
TOTAL	1106	44

Source: NCSL, Immigrant Policy Project, 2008

EDUCATION

74 bills were introduced in 22 state legislatures:

Arizona, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Indiana, Maryland, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, Oklahoma, Rhode Island, Tennessee, Utah, Virginia, Washington, West Virginia and Wyoming.

Over a third of these proposed actions deal with tuition payment benefits and grants or scholarships. Some of the bills exclude unauthorized immigrants from attending higher education facilities. Others provide for assistance in learning English and for a larger selection of language classes.

EMPLOYMENT

179 bills were introduced in 31 state legislatures:

Alabama, Alaska, Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington and West Virginia.

State legislatures deal with a variety of issues in the employment arena, including employer sanctions for hiring unauthorized workers and address the use of federal employment eligibility verification systems (E-Verify) by public agencies, private employers or state contractors. Other bills relate to immigrants' unemployment compensation, identity theft legislation specific to employment, wage withholding for non-resident aliens and state temporary worker programs in Arizona and Colorado.

HEALTH

63 bills were introduced in 22 state legislatures:

Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, Rhode Island, South Dakota, Tennessee, Virginia, Washington and Wisconsin.

These bills generally address eligibility requirements for health programs and services and identify programs that support certain immigrant and refugee communities and their access to health care. Several bills also relate to the licensure of foreign health professionals and some bills more specifically deal with the accreditation of Canadian health professionals.

HUMAN TRAFFICKING

24 bills were introduced in 14 state legislatures:

Arizona, California, Florida, Hawaii, Indiana, Maryland, Minnesota, New Jersey, New Mexico, Oklahoma, Rhode Island, Utah, Vermont and West Virginia.

These bills generally define the crime of human trafficking, sex trafficking and involuntary servitude and establish or increase penalties. Some bills provide for the creation of task forces to further investigate the issue. Some bills also provide for support services for victims.

ID / DRIVER'S LICENSES / OTHER LICENSES

192 pieces of legislation were introduced in 35 state legislatures:

Alaska, Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Iowa, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Vermont, Washington, and West Virginia.

85 bills relate to driver's licenses and other IDs: A majority of these bills would create stricter guidelines with regard to residential status and proof of legal status in obtaining an ID or driver's license. Several bills relate to the implementation of Real ID. Some bills would provide for certain non-citizens or unauthorized residents to obtain driving certificates. Others deal with penalties and procedures for uninsured drivers or drivers imprisoned with DUIs.

83 bills related to licensing: 20 proposals relate to the sale and/or possession of arms. Many bills address requirements for various professional and commercial licenses. Some legislation pertains to property, life settlements, and insurance.

24 bills address documentation requirements. These actions included several bills creating or expanding penalties for possessing or participating in the creation of false identification documents.

LAW ENFORCEMENT

198 bills were introduced in 35 state legislatures:

Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia and Wisconsin.

Several law enforcement bills include measures that would authorize the state attorney general to negotiate a Memorandum of Understanding (MOU) with the U.S. Department of Homeland Security with respect to state law enforcement agencies' cooperation in the

enforcement of federal immigration laws. Several bills would penalize the transportation or harboring of unauthorized aliens. A number of bills require law enforcement personnel to determine the immigration status of arrested or jailed non-citizens. Some bills relate to “sanctuary cities” for unauthorized immigrants and would create financial disincentives for such municipalities. Several bills also affect bail regulations for unauthorized individuals. One bill provides for the forfeiture of certain property of a person present in the state who is in violation of the immigration laws of the United States.

LEGAL SERVICES

18 pieces of legislation were introduced in 10 state legislatures:

California, Florida, Hawaii, Idaho, Kentucky, Missouri, Minnesota, New Jersey, Virginia and Wisconsin.

Several bills establish certain criteria that must be met in order to give legal advice to immigrants. Others bills would assist legal permanent residents gain U.S. citizenship.

MISCELLANEOUS

104 proposals were introduced in 31 state legislatures:

California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Iowa, Illinois, Kansas, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington and West Virginia.

Miscellaneous legislation includes a variety of legislative proposals, for instance providing for the creation of immigrant and refugee-related commissions, task forces, programs, as well as immigration studies. The miscellaneous category also includes 54 budget and appropriation bills that generally allocate federal funds for programs relating to migrants and refugees. These types of bills are captured for the first time this year.

OMNIBUS / MULTI-ISSUE LEGISLATION

41 omnibus bills were introduced in 16 states legislatures:

Alabama, Indiana, Kansas, Kentucky, Minnesota, Missouri, Mississippi, New Hampshire, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, West Virginia and Wyoming.

These bills address multiple topics within one bill, such as employment, law enforcement and public benefits. They often include provisions regarding employer sanctions for hiring unauthorized workers; the use of federal employment eligibility verification systems; cooperation with the federal government on the enforcement of federal immigration laws

(MOUs); prohibitions on harboring or transporting unauthorized immigrants and the verification of citizenship/immigration status with respect to public benefits eligibility.

PUBLIC BENEFITS

67 bills related to public benefits were introduced in 25 state legislatures:

Alabama, Arizona, California, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, West Virginia and Wyoming.

These bills by and large relate to individuals and their eligibility to receive public benefits and to state agencies and the basis on which benefits may be granted or denied to certain immigrants. For instance, bills require individuals to provide proof of being lawfully present in the United States before receiving certain public benefits. Some bills would require state agencies to use certain eligibility verification systems or to deny public benefits to unauthorized immigrants. Several bills would also make funds available for a variety of benefits targeted to support low-income households, minority groups and domestic violence victims, including immigrants and refugees.

VOTING

24 bills were introduced in 12 state legislatures:

California, Colorado, Georgia, Maryland, Mississippi, Missouri, New York, Tennessee, Utah, Virginia, Washington and Wisconsin.

Bills in this category mainly require the verification of citizenship status in order to register to vote and to vote in elections or primaries. Some bills also define which documents are acceptable as proof of citizenship status.

RESOLUTIONS

As of March 31, 2008, 122 resolutions were introduced in 28 state legislatures:

Alabama, Arizona, California, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

Resolutions cover a wide variety topics: some state legislatures call on the United States Congress to pass immigration laws, others oppose federal REAL ID provisions. Several resolutions honor immigrant individuals for their service to their communities, and declare tributes to a variety of immigrant groups, including military personnel and veterans.

ENACTED / ADOPTED PROPOSALS

As of March 31, 2008, 26 states have enacted 44 laws and adopted 38 resolutions or memorials:

Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kentucky, Michigan, Mississippi, Nebraska, New Mexico, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia and Wyoming.

Examples of enacted legislation and adopted resolutions:

<u>Education:</u> Washington House Bill 3212 Enacted: 03/26/2008	The Act addresses achievement of groups of students, provides best practices research and strategies for improving the academic success rate. It also provides for the disaggregation of the assessment of student learning results by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, low income, transitional bilingual, migrant, special education, and students with disabilities.
<u>Employment:</u> Mississippi Senate Bill 2988 Enacted: 03/17/2008	The Act requires every employer to register with and use the E-Verify program to verify the employment authorization status of all newly-hired employees. No contractor or subcontractor shall hire any employee unless registered and participating in the system. State agencies and employers with at least 250 employees must comply by July 1, 2008; employers with 100-249 employees must comply by July 1, 2009; employers with 30-99 employees must comply by July 1, 2010; and all employers by July 1, 2011. Penalties include loss of public contracts for up to three years, loss of licenses for up to one year, or both.
<u>Health:</u> South Dakota Senate Bill 51 Enacted: 03/12/2008	The Act provides that a psychologist licensed by another state, or by a province of Canada, may practice within this state for a maximum of six months, during which time the psychologist's credentials shall be reviewed and the psychologist's application for licensing accepted or denied.
<u>Human Trafficking:</u> New Mexico Senate Bill 71 Enacted: 02/22/2008	The law creates penalties for human trafficking; establishes a task force to combat human trafficking; and provides appropriations for services to victims of trafficking.
<u>ID/ Drivers Licenses:</u> Idaho House Bill 366 Enacted: 03/05/2008	The law prohibits the issuance of a driver's license to persons not lawfully present in the United States. For non-citizens or permanent legal residents, the law requires the expiration date of the license to be the same date as the end of lawful stay, but not longer than the same category of license issued to citizens. Those whose documents do not state an expiration date shall be issued a driver's license with an expiration date of one year from the date of issuance.

<u>Law Enforcement:</u> Virginia House Bill 440 Enacted: 03/08/2008	The Act adds a presumption against bail for any unauthorized alien who has committed a criminal offense and is subject to detention by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security.
<u>Legal Services:</u> Wisconsin Assembly Bill 468 Enacted: 3/18/2008	The Act codifies that a notary public may not state or imply that he or she is an attorney licensed to practice law in this state and, more specifically, may not solicit or accept compensation to represent another person in a proceeding relating to immigration to the United States or U.S. citizenship.
<u>Miscellaneous:</u> Utah House Bill 262 Enacted: 3/17/2008	This law directs the Office of Legislative Research and General Counsel to complete a study of all available remedies the state may have in seeking reimbursement from the federal government for costs incurred by the state resulting from illegal immigration.
<u>Omnibus / Multi-Issue:</u> Utah Senate Bill 81 Enacted: 03/13/2008	This Act addresses law enforcement, licenses/IDs; employment; and public benefits. Specifically, it requires public employers to use the E-Verify system and it requires a state agency to verify lawful presence in the United States with respect to public benefits. The Act also requires the attorney general to negotiate a Memorandum of Understanding with the United States Department of Homeland Security for the enforcement of federal immigration law by state and local law enforcement personnel. The law also prohibits local government units from enacting a policy that limits a law enforcement officer from cooperating with federal officials regarding the immigration status of a person. The law also makes it a class A misdemeanor for a person to transport, conceal, harbor or shelter unauthorized immigrants. The law takes effect on July 1, 2009.
<u>Public Benefits:</u> Utah House Bill 336 Enacted: 03/17/2008	The Act creates a restricted special revenue fund, known as the Refugee Services Fund, and allows the Department of Workforce Services to form nonprofit corporations or foundations for purposes related to the supplying of services to refugees located in the state, provides grants to such organizations, provides for administration of the Refugee Services Fund by the director of the Employment Development Division.
<u>Voting:</u> Virginia House Bill 1185 Enacted: 03/05/2008	The Law provides that the general registrar shall notify voters who are reported not to be citizens by the Department of Motor Vehicles prior to canceling their registrations, requires the notice to inform the person of the report by the department and to allow the person to submit a sworn statement regarding their citizenship within a specified time frame and requires the registrar to cancel registrations of persons who do not respond as requested.

<u>Resolution:</u> Rhode Island Senate Bill 2787 Adopted: 03/27/2008	The resolution requests the United States Congress to expedite citizenship applications for our country's veterans and members of the armed services.
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