

Immigrant Policy Project

Overview of State Legislation Related to Immigration and Immigrants in 2007

Introduced January to April 2007

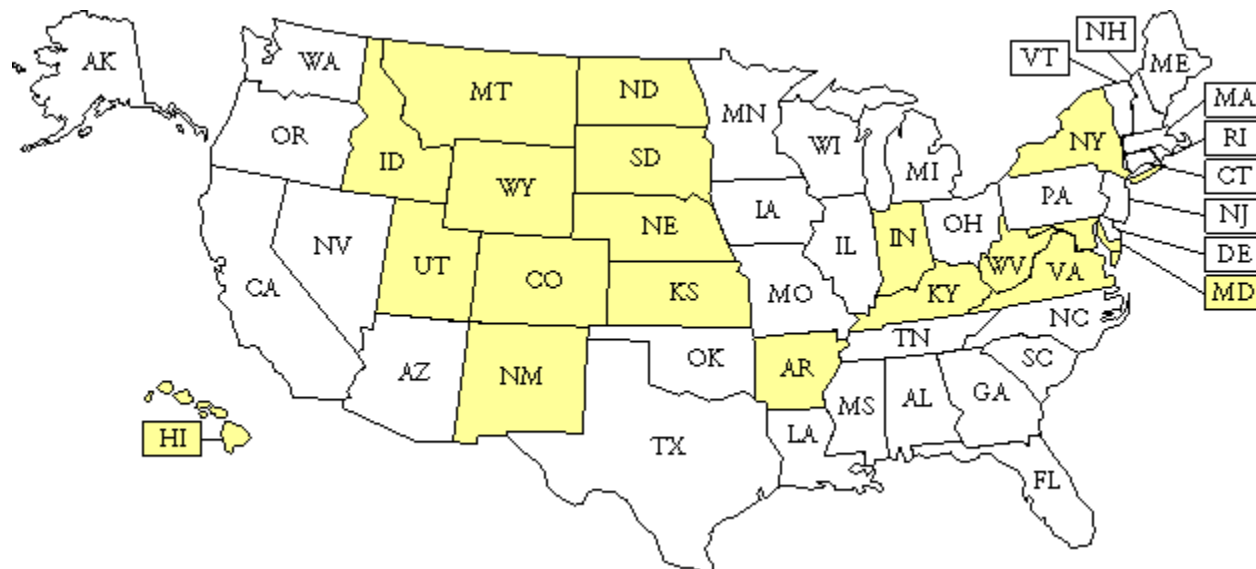
April 18, 2007

As of April 13, 2007, state legislators **in all of the 50 states** had introduced at least **1169** bills and resolutions related to immigration or immigrants and refugees. This is more than twice the total number of introduced bills (570) in 2006.

Up to this point in the 2007 legislative sessions, 18 states (Arkansas, Colorado, Hawaii, Idaho, Indiana, Kansas, Kentucky, Maryland, Montana, North Dakota, Nebraska, New Mexico, New York, South Dakota, Utah, Virginia, West Virginia and Wyoming) have enacted at least 57 bills in this policy arena, already 2/3 of the total number of laws enacted in 2006. State legislatures have also adopted at least 19 resolutions and memorials in their 2007 sessions. Most state legislatures remain in session, an indication that it is quite likely that there will be even more activity this year.

Like in 2006, employment, law enforcement, benefits and education head the list of topics under consideration in state legislatures. More than half of all states have also addressed human trafficking issues.

States and Immigration Related Legislation, April 2007



States Enacting Legislation

(All 50 States have introduced immigration related legislation in 2007)

**Proposed State Immigration Legislation, by Policy Arena
As of April 13, 2007**

OVERVIEW

Policy Arena	Number of Bills	Number of States
Benefits	149 bills	39 states
Documentation / ID	48 bills	22 states
Drivers Licenses	69 bills	31 states
Education	105 bills	30 states
Employment	199 bills	41 states
Health	92 bills	23 states
Human Trafficking	63 bills	28 states
Law Enforcement	129 bills	30 states
Legal Services	20 bills	10 states
Licensing	83 bills	28 states
Voting	46 bills	22 states
Miscellaneous	53 bills	24 states
Comprehensive Measures	9 bills	5 states
Resolutions	104 bills	27 states
TOTAL	1169 bills	50 states



HIGHLIGHTS

Benefits

Total: 149 bills introduced in 39 states. (Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Vermont, Washington, West Virginia and Wyoming.)

Most bills would restrict benefits and services to legal immigrants and citizens and require proof of citizenship or legal immigration status. With respect to health care, several states would extend health care to specific immigrant populations. Several states are considering children's health insurance proposals that include immigrants.

Documentation

Total: 48 bills in 22 states. (Arizona, California, Colorado, Connecticut, Florida, Iowa, Illinois, Kentucky, Missouri, Nebraska, Nevada, New York, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia and Wyoming.)

These bills concern a variety of issues where documentation and identity verification requirements were tightened. Many states increase penalties for providing false documentation and identity theft. Some measures make citizenship/immigration document fraud a felony.

Driver's Licenses

Total: 69 bills in 31 states. (Alaska, Alabama, Arizona, California, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Montana, North Dakota, New Hampshire, Nevada, New York, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, Washington and Wyoming.)

Most bills would restrict qualification for licenses to citizens and legal immigrants. Several determine what documentation is the acceptable for proof of identity. Some bills add penalties for false documents. A few bills would extend driving certificates to unauthorized immigrants. Some states are considering legislation with respect to the federal REAL ID act. (For more information on the REAL ID Act, please log on to <http://www.ncsl.org/realid/>)



Education

Total: 105 bills in 30 states. (Arkansas, Arizona, California, Connecticut, Florida, Iowa, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin and West Virginia.)

In general, these bills mandate that a determination of the immigration status of persons be complete before they may participate in educational programs. Some bills provide in-state postsecondary education tuition for immigrants who meet certain qualifications, other bills bar undocumented immigrants from qualifying for in-state tuition rates. A bill was introduced in Missouri that would prohibit the admission of unlawfully present aliens to public institutions of higher education. A bill introduced in Rhode Island would prohibit a child of an undocumented immigrant from attending any public school in this state. Proposed legislation in Connecticut would require the Department of Children and Families to provide college tuition and costs to undocumented immigrants in the department's custody. A bill in New Jersey would allow certain undocumented aliens to qualify for in-state tuition rates. Some states' proposals would establish initiatives and grants to promote English learning.

Employment

Total: 199 bills in 41 states. (Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Iowa, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin and West Virginia)

These bills can be divided into two broad categories: employer-based and employee-based. Employer-based legislation prohibits employment of unauthorized workers, adds penalties, and requires verification of work authorization. Worker-based legislation addresses eligibility for workers' benefits and employee sanctions.

Health

Total: 92 bills in 23 states. (Arkansas, Arizona, California, Connecticut, Florida, Georgia, Hawaii, Iowa, Illinois, Massachusetts, Minnesota, Missouri, Mississippi, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia and Washington.)

These bills generally propose to determine eligibility requirements for health programs and services. A Rhode Island bill would provide health insurance to certain children ineligible for federal medical assistance due to citizenship or alien requirements. A bill introduced in California would establish a pilot program to provide aid to victims of domestic violence who are undocumented immigrants. A Texas bill would prohibit inquiring into the immigration status of a patient in the context of emergency treatment. New York is considering a bill that would exclude undocumented immigrants from receiving health care services from a publicly funded health care facility.



Human Trafficking

Total: 63 bills in 28 states. (Arizona, California, Connecticut, Delaware, Florida, Hawaii, Iowa, Kentucky, Massachusetts, Maine, Maryland, Missouri, Montana, North Carolina, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Utah, Virginia, Vermont and West Virginia.)

Criminal penalties for trafficking and for destroying immigration documents and establishment of services for victims are the subject of most human trafficking legislation. Several states (California, Connecticut, New Hampshire, Kentucky, Maine, Massachusetts, New Jersey, New Mexico, Ohio, Oklahoma, Rhode Island, Texas, and Virginia) would create state task forces and/or research commissions.

Law Enforcement

Total: 129 bills in 30 states. (Alaska, Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Iowa, Illinois, Indiana, Kansas, Kentucky, Maine, Missouri, Montana, North Carolina, New Hampshire, New Mexico, Nevada, New York, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah and Virginia.)

States are considering bills that authorize cooperation with federal immigration authorities (Memorandum of Understanding, MOU), prohibit non-cooperation, or offer enhanced authority to state and local law enforcement related to immigration. Some bills would restrict certain state and local law enforcement from assisting in the enforcement federal immigration law.

Legal Services

Total: 20 bills in 10 states. (Illinois, Indiana, Kansas, Kentucky, Massachusetts, Maryland, Minnesota, Oregon, Texas and Washington.)

In general, these bills seek to protect immigrants from certain practices by immigration consultants or notary publics, and advise defendants of the immigration consequences of criminal convictions, such as deportation. Bills also add penalties for fraud by immigration consultants and allocate funds for legal services, advice centers and organizations.



Licensing

Total: 83 bills in 28 states. (Alaska, Alabama, Arkansas, Arizona, Florida, Hawaii, Illinois, Massachusetts, Maryland, Minnesota, Missouri, Mississippi, Montana, New Mexico, Nevada, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia and Wyoming.)

Most bills would restrict granting of business and professional licenses to citizens and legal immigrants and establish documents that are acceptable proof of identity. Proposed legislation also would add penalties for false documents.

Voting

Total: 46 bills in 22 states. (Alabama, Arizona, California, Colorado, Georgia, Illinois, Kansas, Massachusetts, Minnesota, Missouri, Mississippi, Montana, North Carolina, New Hampshire, New

York, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah and Washington.)

Most bills would require proof of citizenship or identity to participate in elections or to register to vote. They also define acceptable forms of identification. Some bills establish criminal penalties for providing false identity and immigration status information.

Comprehensive Legislative Proposals

Total of 9 bills introduced in 5 states. (Missouri, North Carolina, Oklahoma, South Carolina, Tennessee)

Missouri Senate Bill 348 - Missouri Omnibus Immigration Act. This bill makes employment of unauthorized aliens illegal and mandates every employer in the state to participate in the Basic Pilot Program to verify work authorization status. The state would be required to enter into cooperative agreements (Memorandum of Understanding, MOU) with the federal government with respect to the enforcement of federal immigration law. Undocumented immigrants would be barred from attending public universities in the state and could not receive public assistance or benefits. The act also authorizes local governments to enact ordinances prohibiting employment of illegal aliens and denying business licenses to employers who employ such aliens.

Oklahoma Senate Bill 983, Senate Bill 413, Senate Bill 454, House Bill 2129. These bills, similar in nature, make employment of unauthorized aliens illegal and mandate employers' participation in the Basic Pilot Program. They also mandate government to verify all employees. The bills also provide for a MOU with the federal government on immigration law enforcement. Individual bills also restrict public benefits for undocumented aliens, establish eligibility criteria and address trafficking.

South Carolina House Bill 3141. This bill makes employment of unauthorized aliens illegal and mandates every employer in the state to participate in the Basic Pilot Program. The state also would be required to enter into a MOU with the federal government to designate state law enforcement officers to help enforce federal immigration law. The bill also requires verification of legal status for receipt of public benefits.

Tennessee House Bill 1216. Every public employer and all contractors would have to register to participate in the federal work

authorization verification pilot program. Trafficking would be criminalized and defined. It would restrict tax benefits with respect to unauthorized workers and would require that lawful presence be verified to receive public benefits.



ENACTED PROPOSALS

Total: 57 bills in 18 states. (Arkansas, Colorado, Hawaii, Idaho, Indiana, Kansas, Kentucky, Maryland, Montana, North Dakota, Nebraska, New Mexico, New York, South Dakota, Utah, Virginia, West Virginia and Wyoming).

Examples:

Arkansas H 1024	Prohibits state agencies from contracting with businesses that employ illegal immigrants.
Colorado H 1073	Requires the use of the Basic Pilot Program in public contracts.
Hawaii H 1108	Requires a check of Immigration and Customs Enforcement databases for non-U.S. citizens in the process of issuing a firearms license.
Idaho S 1157	Requires the verification of lawful presence in the United States to receive public benefits.
Maryland SB 6	The bill provides the Citizenship Promotion Program that would encourage eligible residents to learn English and to become naturalized U.S. citizens.
Oregon H 2356	Proposes that only an active member of the Oregon State Bar can act as an immigration consultant.
South Carolina S 531	Requests the Governor to declare by Executive Order that no illegal alien is eligible to receive public benefits.
Utah H 118	Defines eligibility for in-state tuition rates.
Virginia H 1673	Creates the Commission on Immigration as an advisory commission.
Virginia H 2923	Relates to the legislative commission to prevent human trafficking.
Wyoming H 313	Makes the use of false citizenship or resident alien documents a crime.



ADOPTED PROPOSALS

State legislatures have also adopted at least 19 resolutions and memorials related to immigration in the 2007 session so far.

Examples:

Arkansas HR 1003	Addresses the President of the United States and Congress to secure our nations borders and to develop a comprehensive immigration policy.
Colorado HR 1008	Concerns Federal reimbursement for costs associated with incarceration of undocumented immigrants in Colorado.
Hawaii HR 247	Requests the expedited issuance of visas for family reunification of immigrant relatives.
Hawaii SR 21	Condemns the US citizenship and immigration services' fee increase.
Idaho HJM 3	States that the REAL ID Act forces state employees to determine federal citizenship and immigration status.
New Mexico HJM 3	Request the federal government to provide greater funding and assistance to the state to offset disproportionate financial costs of being a Border State.



Prepared by:

Dirk Hegen

Policy Associate

Immigrant Policy Project

National Conference of State Legislatures

202-624-5400

www.ncsl.org/programs/immig

Contributors to this report were Sheri Steisel, Ali Al Aradi, Brandon Halberstadt and JP Howard in NCSL's Washington office.

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Denver Office: Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230 | [Map](#)

Washington Office: Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001