

HB 350 -- Unauthorized Aliens

Sponsor: Parkinson

This bill changes the laws regarding unauthorized aliens.

HIGHER EDUCATION ASSISTANCE FOR ILLEGAL ALIENS

Persons not lawfully present in the United States will not be eligible, on the basis of residence within this state, for post-secondary education benefits, scholarships, financial aid, or resident tuition, except under certain circumstances specified in the bill. This prohibition will not be deemed to impose additional conditions to maintain resident tuition status at a post-secondary educational institution on an individual who was enrolled in a degree program and first received the resident tuition status during the 2008-2009 school year or any prior year.

LAWFUL STATUS VERIFICATION - APPLICANTS FOR PUBLIC BENEFITS

Currently, aliens unlawfully present in the United States can only receive state or local public benefits offered under 8 U.S.C. 1621(b). The bill specifies those state benefits. Currently, applicants for public benefits 18 years of age or older must provide affirmative proof of citizenship, permanent residency, or lawful presence in the United States. The bill lowers that threshold age to 14 years.

A person who knowingly and willfully signs an affidavit containing false or fraudulent information will be subject to criminal penalties. Each state agency or department that administers a program of state or local public benefits must provide an annual report to the Governor, Speaker of the House of Representatives, and President Pro Tem of the Senate on its compliance with the eligibility verification requirements.

LAWFUL STATUS VERIFICATION - INDEPENDENT CONTRACTORS

If any individual independent contractor contracting for the physical performance of services in this state fails to provide the contracting entity with documentary proof of federal employment authorization, the contracting entity must withhold state income tax at the top marginal rate for the amount of compensation paid to the independent contractor as reportable on the United States Internal Revenue Service Form 1099. A contracting entity who fails to withhold the taxes will be liable for those taxes unless certain federal withholding exemptions apply and are documented to the Department of Revenue.

LAWFUL STATUS VERIFICATION - PUBLIC EMPLOYERS

The discharge of a United States citizen or permanent resident alien working in Missouri by an employing entity that retains an employee it knows or reasonably should have known to be an unauthorized alien working in certain federally defined job categories is an actionable discriminatory labor practice as established by the Department of Labor and Industrial Relations, unless on the date of the discharge, the employing entity participated in a federal work authorization program to verify the employment eligibility.

CONCEALING ILLEGAL ALIENS

The bill makes it a crime for a person to conceal, harbor, or shelter from detection any alien knowing or in reckless disregard of the fact that the alien has entered or remained in the country illegally. A violation of this crime is a felony punishable by not less than one year's imprisonment, a fine of not less than \$1,000, or both.

IDENTIFICATION CARDS

The bill authorizes business entities; federal, state, and local government agencies; educational institutions; professional organizations; and labor unions to create documents, cards, or certificates for identification of their employees, customers, members, and students.

Identification for state and political subdivision agencies and educational institutions can only be issued to United States citizens, nationals, and legal permanent resident aliens with the following exceptions: (1) identification that clearly indicates its expiration date can be issued to persons with temporary legal status in the United States if the applicant personally presents certain valid documentary evidence as specified in the bill; and (2) identification that is only valid for use at an educational institution can be issued if it clearly indicates the restricted validity.