

HOUSE BILL NO. HB0115

Restrictions on public benefits.

Sponsored by: Representative(s) Salazar

A BILL

for

1 AN ACT relating to public benefits; conditioning
 2 eligibility for state or local public benefits on lawful
 3 presence in the United States; requiring verification of
 4 lawful presence in the United States upon application for
 5 state or local public benefits; specifying penalties; and
 6 providing for an effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 42-11-101 and 42-11-102 are created
 11 to read:

12

13

CHAPTER 11

14

RESTRICTIONS ON STATE OR LOCAL PUBLIC BENEFITS

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42-11-101. Definitions.

1

2 (a) As used in this chapter:

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4 (i) "Emergency medical condition" means as
5 defined in 42 U.S.C. § 1396b(v)(3);

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7 (ii) "Lawfully present" or "lawful presence"
8 means a natural person who is a United States citizen or an
9 alien who is eligible for state or local public benefits
10 under 8 U.S.C. § 1621(a);

11

12 (iii) "State or local public benefit" means as
13 defined in 8 U.S.C. § 1621(c).

14

15 **42-11-102. Lawful presence for state or local public**
16 **benefits; exceptions; penalties.**

17

18 (a) Any natural person fourteen (14) years of age or
19 older shall be lawfully present in the United States to
20 receive state or local public benefits that are
21 administered by an agency or political subdivision of this
22 state, except as provided in subsection (d) of this section
23 or where exempted by law.

1

2 (b) On and after July 1, 2018, every agency or
3 political subdivision of the state shall verify the lawful
4 presence in the United States of any natural person
5 fourteen (14) years of age or older who applies for state
6 or local public benefits for which lawful presence in the
7 United States is required under subsection (a) of this
8 section.

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10 (c) This chapter shall be enforced without regard to
11 race, religion, gender, ethnicity or national origin.

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13 (d) Verification of lawful presence in the United
14 States under subsection (b) of this section shall not be
15 required for:

16

17 (i) Obtaining health care items and services
18 that are necessary for the treatment of an emergency
19 medical condition of the applicant and are not related to
20 an organ transplant procedure;

21

22 (ii) Short-term, noncash, in-kind emergency
23 disaster relief;

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2 (iii) Public health assistance for immunizations
3 with respect to diseases and for testing and treatment of
4 symptoms of communicable diseases whether or not the
5 symptoms are caused by a communicable disease;

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7 (iv) Prenatal care;

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9 (v) Programs, services or assistance such as
10 soup kitchens, crisis counseling and intervention and
11 short-term shelters that:

12

13 (A) Deliver in-kind services at the
14 community level, including services through public or
15 nonprofit agencies;

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17 (B) Do not condition the provision of
18 assistance, the amount of assistance provided or the costs
19 of assistance provided on the individual recipient's income
20 or resources; and

21

22 (C) Are necessary for the protection of
23 life or safety.

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2 (e) An agency or political subdivision of the state
3 may use any of the following to verify that an applicant is
4 lawfully present in the United States as required by this
5 section:

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7 (i) An affidavit executed by the applicant under
8 penalty of perjury attesting that the applicant is:

9

10 (A) A United States citizen; or

11

12 (B) Lawfully present in the United States.

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14 (ii) A Wyoming driver's license or a Wyoming
15 identification card;

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17 (iii) A United States military card or a
18 military dependent's identification card;

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20 (iv) A United States coast guard merchant
21 mariner card;

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23 (v) A tribal identification card;

1

2 (vi) A valid United States passport;

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4 (vii) For the University of Wyoming and Wyoming
5 community colleges, the information provided by an
6 applicant on the free application for federal student aid
7 form.

8

9 (f) For any applicant who has executed an affidavit
10 pursuant to paragraph (e)(i) of this section, the veracity
11 of the applicant's affidavit shall be determined through
12 the systematic alien verification of entitlement program
13 operated by the United States department of homeland
14 security or a successor program designated by the United
15 States department of homeland security. Until such
16 verification is made, the affidavit may be presumed to be
17 proof of lawful presence in the United States for the
18 purposes of this section.

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20 (g) Any person who:

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22 (i) Intentionally uses false documents to
23 conceal his true identity, citizenship or resident alien

1 status to obtain access to public resources or services
2 under this section shall be subject to criminal penalties
3 under W.S. 6-3-615;

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5 (ii) Knowingly makes a false or fraudulent
6 statement or representation in an affidavit executed
7 pursuant to paragraph (e)(i) of this section shall be
8 subject to criminal penalties under W.S. 6-5-303(a).

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10 (h) Any agency or political subdivision of the state
11 that has probable cause to believe an applicant for state
12 or local public benefits has unlawfully represented himself
13 to be a citizen of the United States in violation of 18
14 U.S.C. § 911 shall file a complaint with the United States
15 attorney for the district in which the application was
16 made.

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18 (j) Errors and significant delay by the federal
19 systematic alien verification of entitlement program shall
20 be reported to the United States department of homeland
21 security and to the United States secretary of state to
22 ensure that the application of the federal systematic alien
23 verification of entitlement program is not wrongfully

1 denying state or local public benefits to a person lawfully
2 present in the United States.

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4 **Section 2.** This act is effective July 1, 2018.

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(END)