

SENATE FILE NO. SF0124

Illegal immigration-identify, report, detain and deport.

Sponsored by: Senator(s) Steinmetz, Hutchings, Kolb and
Pearson and Representative(s) Banks, Bear,
Brown, G, Kelly, Knapp, Locke, McCann,
Styvar and Tarver

A BILL

for

1 AN ACT relating to immigration; establishing offenses
2 related to the transportation, concealment or hiring of
3 illegal or unauthorized aliens; providing penalties;
4 requiring the verification of citizenship status for public
5 benefits as specified; requiring the attorney general and
6 each county sheriff to negotiate with federal agencies
7 concerning immigration as specified; specifying
8 requirements for communicating information related to
9 immigration status; specifying requirements for the
10 determination of immigration status for inmates; requiring
11 documentation concerning citizenship for the issuance of
12 driver's licenses and identification cards; providing and
13 amending definitions; requiring reports; specifying

1 applicability; requiring rulemaking; and providing for
2 effective dates.

3

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

5

6 **Section 1.** W.S. 6-5-215, 7-2-109 and 9-25-101 through
7 9-25-105 are created to read:

8

9 **6-5-215. Transportation or concealment of illegal**
10 **aliens.**

11

12 (a) No person shall transport, move or attempt to
13 transport or move in the state of Wyoming any alien knowing
14 that the alien has come to, entered or remained in the
15 United States in violation of law, in furtherance of the
16 illegal presence of the alien in the United States.

17

18 (b) No person shall conceal, harbor or shelter from
19 detection any alien in any place within the state of
20 Wyoming, including any building or means of transportation,
21 knowing that the alien has come to, entered or remained in
22 the United States in violation of law.

23

1 (c) Any person violating subsection (a) or (b) of
2 this section shall, upon conviction, be guilty of a felony
3 punishable by imprisonment of not more than five (5) years,
4 a fine of not more than five thousand dollars (\$5,000.00),
5 or both.

6

7 **7-2-109. Peace officers; citizenship status;**
8 **cooperation.**

9

10 (a) Each peace officer detaining a person for the
11 issuance of a citation or the arrest of a person shall ask
12 the person regarding the person's immigration status or
13 lawful presence in the United States.

14

15 (b) No law enforcement agency in the state shall
16 adopt a policy, rule or procedure that prohibits peace
17 officers from asking about a person's immigration status.

18

19 (c) Upon determining that a person is an unauthorized
20 alien as defined by W.S. 9-25-101(a)(iv) or if the lawful
21 immigration or citizenship status of a person cannot be
22 verified after detaining or arresting the person, the peace
23 officer or the law enforcement agency shall notify the

1 United States department of homeland security or the United
2 States immigration and customs enforcement. Upon providing
3 notice under this subsection, the detaining law enforcement
4 agency shall continue to detain the person in accordance
5 with law until the United States department of homeland
6 security or the United States immigration and customs
7 enforcement assumes custody of the person or proof of the
8 person's lawful status in the country is provided.

9

10

CHAPTER 25

11

ILLEGAL IMMIGRATION

12

13 **9-25-101. Definitions.**

14

15 (a) As used in this chapter:

16

17 (i) "Federal public benefit" means as defined by
18 8 U.S.C. § 1611(c);

19

20 (ii) "Local government" means cities, towns,
21 counties, school districts, joint powers boards, airport
22 boards, public corporations, entities formed by a county
23 memorial hospital, special hospital district, rural health

1 care district or senior health care district that are
2 wholly owned by one (1) or more governmental entities,
3 community college districts, special districts and their
4 governing bodies, all political subdivisions of the state,
5 and their agencies, instrumentalities and institutions;

6

7 (iii) "State or local public benefit" means as
8 defined by 8 U.S.C. § 1621(c);

9

10 (iv) "Unauthorized alien" means as defined by 8
11 U.S.C. § 1324a(h)(3).

12

13 **9-25-102. Employer verification of employees;**
14 **reporting.**

15

16 (a) Each employer in the state shall inquire as to a
17 potential employee's or contractor's immigration status
18 before commencing the person's employment or entering into
19 a contract with the person for the provision of services.

20

21 (b) Each employer that discovers or learns that a
22 person employed or contracted by the employer is an
23 unauthorized alien shall report the unauthorized alien's

1 status to state or local law enforcement, federal law
2 enforcement or the United States immigration and customs
3 enforcement.

4

5 **9-25-103. Violations; penalties.**

6

7 (a) Any person who knowingly hires, contracts with,
8 recruits or refers for a fee an unauthorized alien shall,
9 upon conviction, be guilty of a misdemeanor punishable by a
10 fine of not less than:

11

12 (i) Three hundred seventy-five dollars (\$375.00)
13 and not more than three thousand two hundred dollars
14 (\$3,200.00) for the first offense;

15

16 (ii) Three thousand two hundred dollars
17 (\$3,200.00) and not more than six thousand five hundred
18 dollars (\$6,500.00) for the second offense;

19

20 (iii) Four thousand three hundred dollars
21 (\$4,300.00) and not more than sixteen thousand dollars
22 (\$16,000.00) for the third or subsequent offense.

23

1 (b) For purposes of subsection (a) of this section,
2 the hiring, contracting with, recruiting or referring of
3 each unauthorized alien shall be deemed a separate offense.

4

5 **9-25-104. Public benefits.**

6

7 (a) Except as provided by subsection (c) of this
8 section or federal law, each agency or local government of
9 this state shall verify the lawful presence in the United
10 States of any person age fourteen (14) or older who has
11 applied for a state or local public benefit or a federal
12 public benefit from a state agency or local government.

13

14 (b) This section shall be enforced without regard to
15 race, religion, gender, ethnicity or national origin.

16

17 (c) Verification of lawful presence under this
18 section shall not be required for:

19

20 (i) Any purpose if lawful presence in the United
21 States is not restricted by law, ordinance or regulation;

22

1 (ii) Assistance for health care items and
2 services that are necessary for the treatment of an
3 emergency medical condition, as defined in 42 U.S.C. §
4 1396b(v)(3), if the items or services are not related to an
5 organ transplant procedure;

6

7 (iii) Short-term, noncash, in-kind emergency
8 disaster relief;

9

10 (iv) Public health assistance for immunizations
11 with respect to diseases and for testing and treatment of
12 symptoms of communicable diseases, whether or not the
13 symptoms are caused by a communicable disease; or

14

15 (v) Programs, services or assistance that:

16

17 (A) Deliver in-kind services at the
18 community level, including public or private nonprofit
19 agencies;

20

21 (B) Do not condition the provision of
22 assistance, amount of assistance or cost of assistance on
23 the income or resources of the recipient;

1

2 (C) Are necessary for the protection of
3 life or safety.

4

5 (d) For verification of the lawful presence of an
6 applicant in the United States, the agency or local
7 government required to make the verification shall provide
8 notary public services at no cost to the applicant and
9 require that the applicant execute an affidavit under
10 penalty of perjury that the applicant is a:

11

12 (i) United States citizen; or

13

14 (ii) Qualified alien under the federal
15 Immigration and Nationality Act and is lawfully present in
16 the United States.

17

18 (e) For any applicant who has executed an affidavit
19 under paragraph (d)(ii) of this section, eligibility for
20 benefits shall be determined through the systematic alien
21 verification of entitlement program operated by the United
22 States department of homeland security or a successor
23 program. Until eligibility is verified, an affidavit

1 executed under subsection (d) of this section may be
2 presumed to be proof of lawful presence in the United
3 States for purposes of this section.

4

5 (f) Any person who knowingly makes a false or
6 fraudulent statement or representation in an affidavit
7 executed under subsection (d) of this section shall be
8 subject to criminal penalties under W.S. 6-5-303(a). If the
9 affidavit constitutes a false claim of United States
10 citizenship under 18 U.S.C. § 911, a complaint shall be
11 filed with the appropriate United States attorney by the
12 agency or local government that required the affidavit.

13

14 (g) An agency or local government may adopt
15 variations to the requirements of this section if the
16 agency or local government can demonstrate that the
17 variation improves the efficiency of or reduces any delay
18 in the verification process or to provide for the
19 adjudication of unique individual circumstances where the
20 verification procedures would impose undue hardship on a
21 legal resident of this state.

22

1 (h) No agency or local government shall provide any
2 state or local public benefit or a federal public benefit
3 without first complying with the requirements of this
4 section.

5

6 (j) Not later than October 1 of each year, the
7 attorney general, the department of health, the department
8 of workforce services, the department of family services
9 and the department of administration and information shall
10 provide an annual report to the governor, the speaker of
11 the house, the president of the senate and management
12 council with respect to efforts for compliance with this
13 section. Each agency or local government subject to this
14 section shall monitor the systematic alien verification of
15 entitlement program for errors and significant delays. As
16 part of the report required under this subsection, each
17 agency specified in this subsection shall report any
18 recommendations that would help ensure that the systematic
19 alien verification of entitlement program is not
20 erroneously denying benefits to legal residents of Wyoming
21 or erroneously providing benefits to unauthorized aliens.
22 Any error discovered shall also be reported to the United
23 States department of homeland security.

1

2 **9-25-105. Memoranda of understanding; communication**
3 **of immigration status.**

4

5 (a) The attorney general, with the approval of the
6 governor, is authorized and directed to negotiate the terms
7 of a memorandum of understanding between the state of
8 Wyoming and the United States department of justice or the
9 United States department of homeland security, as provided
10 by 8 U.S.C. § 1357(g), for the enforcement of federal
11 immigration and customs laws, detentions, removals and
12 investigations in Wyoming.

13

14 (b) The memorandum of understanding negotiated under
15 subsection (a) of this section shall be signed on behalf of
16 the state by the governor and the attorney general or as
17 otherwise required by the appropriate federal agency.

18

19 (c) Each county sheriff, in consultation with the
20 board of county commissioners, shall negotiate the terms of
21 a memorandum of understanding between the county and the
22 United States department of justice or the United States
23 department of homeland security, as provided by 8 U.S.C. §

1 1357(g), for the enforcement of federal immigration and
2 customs laws, detentions, removals and investigations in
3 Wyoming. The memorandum of understanding negotiated under
4 this subsection shall be signed by the board of county
5 commissioners and the sheriff or as otherwise required by
6 the appropriate federal agency.

7

8 (d) No local government, whether acting through its
9 governing body or by an initiative, referendum or any other
10 process, shall enact any ordinance or policy that limits or
11 prohibits a peace officer, local official or local
12 government employee from communicating or cooperating with
13 federal officials with regard to the immigration status of
14 any person within this state.

15

16 (e) Notwithstanding any other provision of law, no
17 government entity, agency or official or local government
18 shall prohibit or in any way restrict any employee or
19 official of the government entity, agency or local
20 government from sending to, or receiving from, the United
21 States department of homeland security or the United States
22 department of justice information regarding the citizenship

1 status, work authorization status or immigration status of
2 any person.

3

4 (f) Notwithstanding any other provision of law, no
5 person shall prohibit or in any way restrict a public
6 employee from doing any of the following with respect to
7 information regarding the citizenship, work authorization
8 or immigration status of any person:

9

10 (i) Sending information related to immigration
11 status, work authorization status or citizenship status to,
12 or requesting or receiving status information from, the
13 United States department of homeland security;

14

15 (ii) Maintaining information related to
16 citizenship, work authorization and immigration status;

17

18 (iii) Exchanging status information with any
19 other federal, state or local government entity.

20

21 (g) Any person lawfully residing and domiciled in
22 this state shall have a private right of action to file for

1 a writ of mandamus to compel any noncooperating state
2 agency or local government to comply with this chapter.

3

4 **Section 2.** W.S. 7-13-104, 31-7-111 by creating new
5 subsections (h) through (m) and 31-8-101(b) are amended to
6 read:

7

8 **7-13-104. Record of prisoners; citizenship status.**

9

10 (a) The department of corrections shall keep a
11 complete record of the background and current status of all
12 prisoners sentenced and confined in any state penal
13 institution. The administrator of the institution where a
14 prisoner is incarcerated, the division of criminal
15 investigation, and the clerk of court and sheriff of the
16 county from which the prisoner is committed shall, at the
17 request of the department or the board of parole, furnish
18 any information in their possession relating to the
19 prisoner or the offense committed.

20

21 (b) When a person charged with a felony or with
22 driving or having control of a vehicle while under the
23 influence under W.S. 31-5-233 is confined for any period in

1 a county jail or state penal institution, the department of
2 corrections or county sheriff, as applicable, shall make a
3 reasonable effort to determine the citizenship status of
4 the person. If verification of lawful status cannot be made
5 from documents in the person's possession, verification
6 shall be completed not later than forty-eight (48) hours of
7 the commencement of the person's confinement by making an
8 inquiry to the law enforcement support center of the United
9 States department of homeland security or other designated
10 federal agency. If the lawful immigration or citizenship
11 status of a person cannot be verified under this
12 subsection, the county sheriff or the department of
13 corrections shall notify the United States department of
14 homeland security.

15

16 **31-7-111. Application for license or permit**
17 **generally.**

18

19 (h) Except as otherwise provided in subsection (j) of
20 this section, no person shall be issued an instruction
21 permit, driver's license, commercial driver's license or
22 commercial learner's permit unless the person is a United
23 States citizen or a legal permanent resident alien.

1

2 (j) Subsection (h) of this section shall not apply if
3 an applicant presents, in person, valid documentary
4 evidence of at least one (1) of the following:

5

6 (i) An unexpired immigrant or nonimmigrant visa
7 status for admission into the United States;

8

9 (ii) A pending or approved application for
10 asylum in the United States;

11

12 (iii) Admission into the United States under
13 refugee status;

14

15 (iv) A pending or approved application for
16 temporary protected status in the United States;

17

18 (v) Approved deferred action status;

19

20 (vi) A pending application for adjustment of
21 status to legal permanent resident status or conditional
22 resident status.

23

1 (k) If an applicant provides valid evidence under
2 subsection (j) of this section and notwithstanding any
3 other provision of law, a license or permit issued shall be
4 valid only during the time of the authorized stay of the
5 applicant in the United States or, if there is no definite
6 end to the period of authorized stay, a period of one (1)
7 year. A license or permit issued under this subsection:

8
9 (i) Shall clearly notate on the license or
10 permit that the license or permit is temporary, and the
11 date on which the license or permit will expire;

12
13 (ii) May be renewed only upon presentation of
14 valid documentary evidence that the status by which the
15 applicant qualified for the license or permit is still in
16 effect or has been extended by the appropriate federal
17 agency.

18
19 (m) Any renewal or replacement of an instruction
20 permit, driver's license, commercial driver's license or
21 commercial learner's permit shall be in accordance with
22 subsections (h) through (k) of this section.

23

1 **31-8-101. Issuance to residents by department;**
2 **restrictions; limited to one state-issued credential;**
3 **digital identification card; definitions; rulemaking.**

4

5 (b) The department shall not issue an identification
6 card until valid documentary evidence of the applicant's
7 age and identity has been verified using documents as
8 provided by W.S. 31-7-111 and the applicant's citizenship
9 or immigration status has been verified under W.S.
10 31-7-111(h) through (m).

11

12 **Section 3.** Nothing in this act shall be construed to
13 alter, amend or impair any contract or agreement entered
14 into before July 1, 2025.

15

16 **Section 4.** The attorney general, the department of
17 transportation, the department of administration and
18 information, the department of health, the department of
19 corrections, the department of workforce services and the
20 department of family services shall promulgate all rules
21 necessary to implement this act.

22

1 Section 5.

2

(a) Except as provided by subsection (b) of this section, this act is effective July 1, 2025.

5

(b) Sections 4 and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

10

11 (END)