

House Resolution 256

By: Representatives Williams of the 4th, Franklin of the 43rd, Forster of the 3rd, Scott of the 2nd, Jamieson of the 28th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that law enforcement agencies
 2 of the state shall cooperate fully with federal immigration authorities; to provide that illegal
 3 aliens are barred from receiving any public services provided by the state or any political
 4 subdivision of the state; to provide that illegal aliens are barred from receiving publicly
 5 funded health care services provided by the state or any political subdivision of the state; to
 6 provide that illegal aliens are barred from access to public elementary and secondary schools
 7 of the state; to provide that illegal aliens are barred from access to public postsecondary
 8 institutions of the state; to provide that illegal aliens are barred from obtaining any license
 9 or permit issued by the state or any political subdivision of the state; to provide felony
 10 penalties for the manufacture, sale, or use of certain fraudulent documents; to provide that
 11 any action taken by any political subdivision of the state in violation of such provisions shall
 12 be prohibited; to provide for the submission of this amendment for ratification or rejection;
 13 and for other purposes.

14 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 SECTION 1.

16 Article I, Section III of the Constitution is amended by inserting at the end thereof a new
 17 Paragraph to read as follows:

18 "Paragraph IV. *Illegal aliens barred from access to all social amenities.* (a) It is the
 19 will of the people of Georgia that benefits and public services are limited to citizens of the
 20 United States and aliens lawfully admitted to the United States and that illegal aliens are
 21 to be barred from receiving public benefits and services. The General Assembly shall enact
 22 general laws to carry out the spirit and intent of this Paragraph.

23 (b)(1) Every law enforcement agency in Georgia shall fully cooperate with the United
 24 States Department of Homeland Security regarding any person who is arrested if he or
 25 she is suspected of being present in the United States in violation of federal immigration
 26 laws.

1 (2) With respect to any such person who is arrested, and suspected of being present in
2 the United States in violation of federal immigration laws, every law enforcement agency
3 shall:

4 (A) Attempt to verify the legal status of such person as a citizen of the United States,
5 an alien lawfully admitted as a permanent resident, an alien lawfully admitted for a
6 temporary period of time, or an alien who is present in the United States in violation of
7 immigration laws. The verification process may include, but shall not be limited to,
8 questioning the person regarding his or her date and place of birth and entry into the
9 United States and demanding documentation to indicate his or her legal status;

10 (B) Notify the person of his or her apparent status as an alien who is present in the
11 United States in violation of federal immigration laws and inform him or her that, apart
12 from any criminal justice proceedings, he or she must either obtain legal status or leave
13 the United States; and

14 (C) Notify the Attorney General of Georgia and the United States Department of
15 Homeland Security of the apparent illegal status and provide any additional information
16 that may be requested by any other public entity.

17 (3) Any legislative, administrative, or other action by a municipality, county, or other
18 legally authorized governmental entity with jurisdictional boundaries, or by a law
19 enforcement agency, to prevent or limit the cooperation required by the provisions of this
20 subparagraph is expressly prohibited.

21 (c) In order to carry out the intention of the people of Georgia that only citizens of the
22 United States and aliens lawfully admitted to the United States may receive the benefits of
23 public social services and to ensure that all persons employed in the providing of those
24 services shall diligently protect public funds from misuse, a person shall not receive any
25 public social services to which he or she may be otherwise entitled until the legal status of
26 that person has been verified as one of the following:

27 (1) A citizen of the United States;

28 (2) An alien lawfully admitted as a permanent resident; or

29 (3) An alien lawfully admitted for a temporary period of time and such time has not
30 expired.

31 (d) In order to carry out the intention of the people of Georgia that, excepting emergency
32 medical care as required by federal law, only citizens of the United States and aliens
33 lawfully admitted to the United States may receive the benefits of publicly funded health
34 care and to ensure that all persons employed in the providing of those services shall
35 diligently protect public funds from misuse, a person shall not receive any health care
36 services from a publicly funded health care facility to which he or she is otherwise entitled
37 until the legal status of that person has been verified as one of the following:

1 (1) A citizen of the United States;

2 (2) An alien lawfully admitted as a permanent resident; or

3 (3) An alien lawfully admitted for a temporary period of time and such time has not
4 expired.

5 (e)(1) No public elementary or secondary school shall admit, or permit the attendance
6 of, any child who is not a citizen of the United States, not an alien lawfully admitted as
7 a permanent resident, or not a person who is otherwise authorized under federal law to
8 be present in the United States.

9 (2) Commencing at the beginning of the school year in 2006, each school district shall
10 verify the legal status of each child enrolling in the school district for the first time in
11 order to ensure the enrollment or attendance only of citizens, aliens lawfully admitted as
12 permanent residents, or persons who are otherwise authorized under federal law to be
13 present in the United States.

14 (3) By January 1, 2007, each school district shall have verified the legal status of each
15 child already enrolled and in attendance in the school district in order to ensure the
16 enrollment or attendance only of citizens, aliens lawfully admitted as permanent
17 residents, or persons who are otherwise authorized under federal law to be present in the
18 United States.

19 (f)(1) No public institution of postsecondary education shall admit, enroll, or permit
20 the attendance of any person who is not a citizen of the United States, not an alien
21 lawfully admitted as a permanent resident in the United States, or not a person who is
22 otherwise authorized under federal law to be present in the United States.

23 (2) Commencing with the first term or semester that begins after January 1, 2006, and
24 at the commencement of each term or semester thereafter, each public postsecondary
25 educational institution shall verify the status of each person enrolled or in attendance at
26 that institution in order to ensure the enrollment or attendance only of United States
27 citizens, aliens lawfully admitted as permanent residents in the United States, and persons
28 who are otherwise authorized under federal law to be present in the United States.

29 (g) As of January 1, 2006, no public agency shall issue or renew a license, permit, or
30 official authorization of any kind to any person who is not a citizen of the United States,
31 an alien lawfully admitted as a permanent resident in the United States, or a person who
32 is otherwise authorized under federal law to be present in the United States.

33 (h)(1) Any person who manufactures, distributes, or sells false documents or
34 information to conceal the true citizenship or resident alien status of another person is
35 guilty of a felony and shall be punished by imprisonment in the state prison for five years
36 or by a fine in an amount established by general laws enacted by the General Assembly.

1 (2) Any person who uses false documents or information to conceal his or her true
 2 citizenship or resident alien status is guilty of a felony and shall be punished by
 3 imprisonment in the state prison for not less than one year or by a fine in an amount
 4 established by general laws enacted by the General Assembly.

5 (i) Any legislative, administrative, or other action by a municipality, county, or other
 6 legally authorized local governmental entity with jurisdictional boundaries, or by a law
 7 enforcement agency, to prevent or limit the cooperation required by the provisions of this
 8 Paragraph is expressly prohibited."

9 **SECTION 2.**

10 The above proposed amendment to the Constitution of Georgia shall be published and
 11 submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot
 12 submitting the above proposed amendment shall have written or printed thereon the
 13 following:

14 "() YES Shall the Constitution of Georgia be amended so as to provide that law
 15 enforcement agencies of the state shall cooperate fully with federal
 16 () NO immigration authorities; to provide that illegal aliens are barred from
 17 receiving any public services or public health care services, from access to
 18 public elementary and secondary schools, from access to public
 19 postsecondary institutions, and from obtaining any license or permit; and to
 20 provide felony penalties for the manufacture, sale, or use of certain
 fraudulent documents?"

21 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
 22 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 23 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 24 become a part of the Constitution of this state.