

The House Committee on Banks and Banking offers the following substitute to
HB 1238:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 11 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated,
2 relating to records and reports of currency transactions, so as to provide for an illegal
3 immigrant fee with respect to money received for wire transmission; to provide for a short
4 title; to provide for procedures, conditions, and limitations; to provide for exceptions; to
5 provide for legislative intent; to prohibit certain conduct to avoid or evade such fee; to
6 provide for criminal penalties; to provide for powers, duties, and authority of the
7 commissioner of banking and finance with respect to the foregoing; to provide an effective
8 date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 11 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to
12 records and reports of currency transactions, is amended by adding a new Code section
13 immediately following Code Section 7-1-912, to be designated Code Section 7-1-912.1, to
14 read as follows:

15 "7-1-912.1.

16 (a) This Code section shall be known and may be cited as the 'Illegal Immigrant Fee Act.'

17 (b) Any authorized agent of a licensee or any money transmission business which is
18 subject to licensure under Article 4 of this chapter and which receives money for wire
19 transmission shall collect from the customer a fee in the amount of 5 percent of the amount
20 of money being transmitted. Such fee shall not apply to any such transaction upon the
21 customer providing adequate proof of United States citizenship or adequate proof that the
22 customer is legally present in the United States. Such proof shall consist only of a valid
23 identification document that is included on the list of acceptable documents of Employment
24 Eligibility Verification Form I-9 of the federal Department of Homeland Security as proof
25 of lawful presence in the United States. Any identification document issued by a foreign
26 government or a driver's license or identification card issued by any state which, on or after

1 July 1, 2006, authorized such driver's license or identification card to be issued to persons
2 not lawfully present in the United States shall not be accepted as evidence of lawful
3 presence in the United States.

4 (c) The money transmission business shall give the customer a receipt setting forth:

- 5 (1) The date of receipt of the money;
- 6 (2) The amount of the fee, if applicable; and
- 7 (3) The amount of the money in dollars and cents.

8 (d) Subject to the general appropriations process, it is the intent of the General Assembly
9 that an amount equal to the amount of funds derived from the fees collected under this
10 Code section shall be utilized for indigent care programs.

11 (e) It shall be unlawful for any person to knowingly and willfully transmit money on
12 behalf of any person in order to avoid or evade the fee required under this Code section.
13 Any person who violates this subsection shall, upon conviction thereof for a first offense,
14 be guilty of a misdemeanor; for a second or subsequent offense, such person shall, upon
15 conviction thereof, be guilty of a misdemeanor of a high and aggravated nature.

16 (f) The commissioner shall provide by rule or regulation for the implementation of this
17 Code section including, but not limited to, any appropriate administrative actions or fines
18 for knowing and willful violations of this Code section."

19 **SECTION 2.**

20 This Act shall become effective upon its approval by the Governor or upon its becoming law
21 without such approval.

22 **SECTION 3.**

23 All laws and parts of laws in conflict with this Act are repealed.