

House Bill 1238 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Rice of the 51st, Mills of the 25th, Ehrhart of the 36th, Hill of the 21st, Coan of the 101st, and others

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"7-1-912.1.

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

(b) Any authorized agent of a licensee or any money transmission business which is subject to licensure under Article 4 of this chapter and which receives money for wire transmission shall collect from the customer a fee in the amount of 5 percent of the amount of money being transmitted. Such fee shall not apply to any such transaction upon the customer providing adequate proof of United States citizenship or adequate proof that the customer is legally present in the United States. Such proof shall consist only of valid identification documentation included on the list of acceptable documents of Employment Eligibility Verification Form I-9 of the federal Department of Homeland Security as proof of lawful presence in the United States or providing that customer provides proof that he/she is paying taxes within this state by providing a current pay stub showing customer

H. B. 1238 (SUB)

1 name and taxes withheld or current state or federal tax return. Any identification document
2 issued by a foreign government or a driver's license or identification card issued by any
3 state which, on or after July 1, 2006, authorized such driver's license or identification card
4 to be issued to persons not lawfully present in the United States shall not be accepted as
5 evidence of lawful presence in the United States.

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

7 (1) The date of receipt of the money;

8 (2) The amount of the fee, if applicable; and

9 (3) The amount of the money in dollars and cents.

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

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

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

21 **SECTION 2.**

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

24 **SECTION 3.**

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