

The Senate Judiciary Committee offered the following substitute to HB 87:

A BILL TO BE ENTITLED

AN ACT

1 To enact the "Illegal Immigration Reform and Enforcement Act of 2011"; to amend Article
 2 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to security
 3 and immigration compliance, so as to provide penalties for the failure of a public employer
 4 to utilize the federal work authorization program; to require certain private employers to
 5 utilize the federal work authorization program; to provide for review by the state auditor and
 6 the Department of Labor; to provide for definitions; to amend Title 16 of the Official Code
 7 of Georgia Annotated, relating to crimes and offenses, so as to provide for offenses involving
 8 illegal aliens; to provide for the offense of aggravated identity fraud; to provide for penalties;
 9 to amend Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to
 10 searches and seizures, so as to provide for the investigation of illegal alien status; to amend
 11 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
 12 agencies, so as to provide authority for law enforcement officers to enforce federal
 13 immigration laws under certain circumstances and to provide immunity for such officers
 14 subject to limitations; to provide for civil and criminal penalties; to modify provisions
 15 relating to training peace officers for enforcement of immigration and custom laws; to
 16 establish grant funding for local law enforcement agencies to enter into agreements with
 17 federal agencies for the enforcement of immigration law; to amend Chapter 60 of Title 36
 18 of the Official Code of Georgia Annotated, relating to general provisions applicable to local
 19 governments, so as to require proof that private businesses are participating in the
 20 employment eligibility verification system prior to the issuance of a business license or other
 21 documents; to amend Title 42 of the Official Code of Georgia Annotated, relating to penal
 22 institutions, so as to provide for the verification of the immigration status of foreign nationals
 23 arrested and held in a county or municipal jail; to provide that local governing authorities that
 24 have entered or attempted to enter into certain memorandums of agreement with the federal
 25 government shall receive additional funding for confinement of state inmates; to provide for
 26 a funding contingency; to amend Title 45 of the Official Code of Georgia Annotated, relating
 27 to public officers and employees, so as to provide for penalties for failure of agency heads
 28 to abide by certain state immigration laws; to provide for a complaint procedure and

29 authorization for legal action against public agencies and employees that fail to follow state
 30 law requiring the verification of employment eligibility of persons working on public works
 31 contracts, fail to follow state law requiring the verification of immigration status of persons
 32 receiving certain public benefits, and fail to follow state law prohibiting local governing
 33 authorities from adopting immigration sanctuary policies; to amend Article 2 of Chapter 7
 34 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate,
 35 computation, and exemptions for revenue and taxation, so as to limit a business's income tax
 36 deduction where such business fails to use the federal employment eligibility verification
 37 program; to amend Chapter 36 of Title 50 of the Official Code of Georgia Annotated,
 38 relating to verification of lawful presence within the United States, so as to provide for
 39 identification documents by applicants for public benefits; to enact the "Secure and
 40 Verifiable Identity Document Act"; to provide penalties for the failure of an agency head to
 41 verify the lawful immigration status of certain applicants for public benefits; to provide for
 42 related matters; to provide for an effective date and applicability; to repeal conflicting laws;
 43 and for other purposes.

44 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

45 **SECTION 1.**

46 This Act shall be known and may be cited as the "Illegal Immigration Reform and
 47 Enforcement Act of 2011."

48 **SECTION 2.**

49 Article 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to
 50 security and immigration compliance, is amended by revising Code Section 13-10-90,
 51 relating to definitions, as follows:

52 "13-10-90.

53 As used in this article, the term:

54 (1) 'Commissioner' means the Commissioner of ~~the Georgia Department of~~ Labor.

55 (2) 'Contractor' means a person or entity that enters into a contract for the physical
 56 performance of services with a public employer.

57 ~~(2)(3)~~ 'Federal work authorization program' means any of the electronic verification of
 58 work authorization programs operated by the United States Department of Homeland
 59 Security or any equivalent federal work authorization program operated by the United
 60 States Department of Homeland Security to verify employment eligibility information of
 61 newly hired employees, ~~pursuant to the Immigration Reform and Control Act of 1986~~
 62 ~~(IRCA), D.L. 99-603~~ commonly known as E-Verify.

63 ~~(2.1)~~(4) 'Physical performance of services' means the building, altering, repairing,
 64 improving, or demolishing of any public structure or building or other public
 65 improvements of any kind to public real property within this state, including the
 66 construction, reconstruction, or maintenance of all or part of a public road; or any other
 67 performance of labor for a public employer within this state under a contract or other
 68 bidding process.

69 ~~(3)~~(5) 'Public employer' means every department, agency, or instrumentality of the state
 70 or a political subdivision of the state.

71 ~~(4)~~(6) 'Subcontractor' means a person or entity having privity of contract with a
 72 contractor and includes a subcontractor, contract employee, or staffing agency, or any
 73 contractor regardless of its tier.

74 (7) 'Sub-subcontractor' means a person or entity having privity of contract with a
 75 subcontractor or privity of contract with another person or entity contracting with a
 76 subcontractor or sub-subcontractor."

77 SECTION 3.

78 Said article is further amended by revising subsection (b) of Code Section 13-10-91, relating
 79 to the verification of new employee eligibility, applicability, and rules and regulations, as
 80 follows:

81 "(b)(1) ~~No~~ A public employer shall not enter into a contract pursuant to this chapter for
 82 the physical performance of services ~~within this state~~ unless the contractor registers and
 83 participates in the federal work authorization program ~~to verify information of all newly~~
 84 ~~hired employees or subcontractors~~. Before a bid for any such service is considered by a
 85 public employer, the bid shall include a signed, notarized affidavit from the contractor
 86 attesting to the following:

87 (A) The affiant has registered with ~~and~~, is authorized to use, and uses the federal work
 88 authorization program;

89 (B) The user identification number and date of authorization for the affiant; ~~and~~

90 (C) The affiant ~~is using~~ and will continue to use the federal work authorization
 91 program throughout the contract period; and

92 (D) The affiant will contract for the physical performance of services in satisfaction of
 93 such contract only with subcontractors who present an affidavit to the contractor with
 94 the same information required by subparagraphs (A), (B), and (C) of this paragraph.

95 An affidavit required by this subsection shall be considered an open public record once
 96 a public employer has entered into a contract for physical performance of services;
 97 provided, however, that any information protected from public disclosure by federal law

98 or by Article 4 of Chapter 18 of Title 50 shall be redacted. Affidavits shall be maintained
99 by the public employer for five years from the date of receipt.

100 (2) ~~A contractor shall not enter into any contract with a public employer for No~~
101 ~~contractor or subcontractor who enters a contract pursuant to this chapter with a public~~
102 ~~employer or a contractor of a public employer shall enter into such a contract or~~
103 ~~subcontract in connection with the physical performance of services within this state~~
104 ~~unless the contractor or subcontractor registers and participates in the federal work~~
105 ~~authorization program to verify information of all newly hired employees. Any~~
106 ~~employee, contractor, or subcontractor of such contractor or subcontractor shall also be~~
107 ~~required to satisfy the requirements of this paragraph.~~

108 (3) ~~Upon contracting with a new subcontractor, a contractor or subcontractor shall, as a~~
109 ~~condition of any contract or subcontract entered into pursuant to this chapter, provide a~~
110 ~~public employer with notice of the identity of any and all subsequent subcontractors hired~~
111 ~~or contracted by that contractor or subcontractor. Such notice shall be provided within~~
112 ~~five business days of entering into a contract or agreement for hire with any~~
113 ~~subcontractor. Such notice shall include an affidavit from each subsequent contractor~~
114 ~~attesting to the subcontractor's name, address, user identification number, and date of~~
115 ~~authorization to use the federal work authorization program.~~

116 (3) A subcontractor shall not enter into any contract with a contractor unless such
117 subcontractor registers and participates in the federal work authorization program. A
118 subcontractor shall submit, at the time of such contract, an affidavit to the contractor in
119 the same manner and with the same information required in paragraph (1) of this
120 subsection. It shall be the duty of any subcontractor receiving an affidavit from a
121 sub-subcontractor to forward notice to the contractor of the receipt, within five business
122 days of receipt, of such affidavit. It shall be the duty of a subcontractor receiving notice
123 of receipt of an affidavit from any sub-subcontractor that has contracted with a
124 sub-subcontractor to forward, within five business days of receipt, a copy of such notice
125 to the contractor.

126 (4) A sub-subcontractor shall not enter into any contract with a subcontractor or
127 sub-subcontractor unless such sub-subcontractor registers and participates in the federal
128 work authorization program. A sub-subcontractor shall submit, at the time of such
129 contract, an affidavit to the subcontractor or sub-subcontractor with whom such
130 sub-subcontractor has privity of contract, in the same manner and with the same
131 information required in paragraph (1) of this subsection. It shall be the duty of any
132 sub-subcontractor to forward notice of receipt of any affidavit from a sub-subcontractor
133 to the subcontractor or sub-subcontractor with whom such receiving sub-subcontractor
134 has privity of contract.

135 (5) In lieu of the affidavit required by this subsection, a contractor, subcontractor, or
136 sub-subcontractor who has no employees and does not hire or intend to hire employees
137 for purposes of satisfying or completing the terms and conditions of any part or all of the
138 original contract with the public employer shall instead provide a copy of the state issued
139 driver's license or state issued identification card of such contracting party and a copy of
140 the state issued driver's license or identification card of each independent contractor
141 utilized in the satisfaction of part or all of the original contract with a public employer.
142 A driver's license or identification card shall only be accepted in lieu of an affidavit if it
143 is issued by a state within the United States and such state verifies lawful immigration
144 status prior to issuing a driver's license or identification card. For purposes of satisfying
145 the requirements of this subsection, copies of such driver's license or identification card
146 shall be forwarded to the public employer, contractor, subcontractor, or sub-subcontractor
147 in the same manner as an affidavit and notice of receipt of an affidavit as required by
148 paragraphs (1), (3), and (4) of this subsection. Not later than July 1, 2011, the Attorney
149 General shall provide a list of the states that verify immigration status prior to the
150 issuance of a driver's license or identification card and that only issue licenses or
151 identification cards to persons lawfully present in the United States. The list of verified
152 state drivers' licenses and identification cards shall be posted on the website of the State
153 Law Department and updated annually thereafter. In the event that a contractor,
154 subcontractor, or sub-subcontractor later determines that he or she will need to hire
155 employees to satisfy or complete the physical performance of services under an
156 applicable contract, then he or she shall first be required to comply with the affidavit
157 requirements of this subsection.

158 (6)(A) Not later than December 31 of each year, a public employer shall submit a
159 compliance report to the state auditor certifying compliance with the provisions of this
160 subsection. Such compliance report shall contain the public employer's federal work
161 authorization program verification user number and date of authorization and the legal
162 name, address, and federal work authorization program user number of the contractor
163 and the date of the contract between the contractor and public employer. Subject to
164 available funding, the state auditor shall conduct annual compliance audits on a
165 minimum of at least one-half of the reporting agencies and publish the results of such
166 audits annually on the department's website on or before September 30.

167 (B) If the state auditor finds a political subdivision to be in violation of this subsection,
168 such political subdivision shall be provided 30 days to demonstrate to the state auditor
169 that such political subdivision has corrected all deficiencies and is in compliance with
170 this subsection. If, after 30 days, the political subdivision has failed to correct all
171 deficiencies, such political subdivision shall be excluded from the list of qualified local

172 governments under Chapter 8 of Title 50 until such time as the political subdivision
 173 demonstrates to the state auditor that such political subdivision has corrected all
 174 deficiencies and is in compliance with this subsection.

175 (C)(i) At any time after the state auditor finds a political subdivision to be in violation
 176 of this subsection, such political subdivision may seek administrative relief through
 177 the Office of State Administrative Hearings. If a political subdivision seeks
 178 administrative relief, the time for correcting deficiencies shall be tolled, and any
 179 action to exclude the political subdivision from the list of qualified governments
 180 under Chapter 8 of Title 50 shall be suspended until such time as a final ruling
 181 upholding the findings of the state auditor is issued.

182 (ii) A new compliance report submitted to the state auditor by the political
 183 subdivision shall be deemed satisfactory and shall correct the prior deficient
 184 compliance report so long as the new report fully complies with this subsection.

185 (iii) No political subdivision of this state shall be found to be in violation of this
 186 subsection by the state auditor as a result of any actions of a county constitutional
 187 officer.

188 (D) If the state auditor finds any political subdivision which is a state department or
 189 agency to be in violation of the provisions of this subsection twice in a five-year period,
 190 the funds appropriated to such state department or agency for the fiscal year following
 191 the year in which the agency was found to be in violation for the second time shall be
 192 not greater than 90 percent of the amount so appropriated in the second year of such
 193 noncompliance. Any political subdivision found to be in violation of the provisions of
 194 this subsection shall be listed on www.open.georgia.gov or another official state
 195 website with an indication and explanation of each violation.

196 ~~(4)~~(7) Contingent upon appropriation or approval of necessary funding and in order to
 197 verify compliance with the provisions of this subsection, each year the Commissioner
 198 shall conduct no fewer than 100 random audits of public employers and contractors or
 199 may conduct such an audit upon reasonable grounds to suspect a violation of this
 200 subsection. The results of the audits shall be published on the www.open.georgia.gov
 201 website and on the Georgia Department of Labor's website no later than December 31 of
 202 each year. The Georgia Department of Labor shall seek funding from the United States
 203 Secretary of Labor to the extent such funding is available.

204 ~~(5)~~(8) Any person who knowingly and willfully makes a false, fictitious, or fraudulent
 205 statement in an affidavit submitted pursuant to this subsection shall be guilty of a
 206 violation of Code Section 16-10-20 and, upon conviction, shall be punished as provided
 207 in such Code section. Contractors and subcontractors convicted for false statements
 208 based on a violation of this subsection shall be prohibited from bidding on or entering

209 into any public contract for 12 months following such conviction. A contractor,
 210 subcontractor, or sub-subcontractor that has been found to have violated this subsection
 211 shall be listed by the Department of Labor on www.open.georgia.gov or other official
 212 website of the state with public information regarding such violation, including the
 213 identity of the violator, the nature of the contract, and the date of conviction. A public
 214 employee, public employer, contractor, subcontractor, or sub-subcontractor shall not be
 215 held civilly liable or criminally responsible for unknowingly or unintentionally accepting
 216 a bid from or contracting with a contractor, subcontractor, or sub-subcontractor acting in
 217 violation of this subsection. A party may be held civilly liable and criminally responsible
 218 for his or her failure to submit an affidavit in accordance with the provisions of this
 219 subsection.
 220 (9) There shall be a rebuttable presumption that a public employer, contractor,
 221 subcontractor, or sub-subcontractor receiving and acting upon an affidavit conforming
 222 to the content requirements of this subsection does so in good faith, and such public
 223 employer, contractor, subcontractor, or sub-subcontractor may rely upon such affidavit
 224 as being true and correct. The affidavit shall be admissible in any court of law for the
 225 purpose of establishing such presumption."

226

SECTION 4.

227 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 228 amended in Article 8 of Chapter 9, relating to identity fraud, by adding a new Code section
 229 to read as follows:

230

"16-9-121.1.

231

(a) A person commits the offense of aggravated identity fraud when he or she willfully and
 232 fraudulently uses any counterfeit or fictitious identifying information concerning a real,
 233 fictitious, or deceased person with intent to use such counterfeit or fictitious identifying
 234 information for the purpose of obtaining employment.

235

(b) The offense created by this Code section shall not merge with any other offense."

236

SECTION 5.

237 Said article of said title is further amended by revising Code Section 16-9-126, relating to
 238 penalties for violations, as follows:

239

"16-9-126.

240

(a) A violation of this article, other than a violation of Code Section 16-9-121.1 or
 241 16-9-122, shall be punishable by imprisonment for not less than one nor more than ten
 242 years or a fine not to exceed \$100,000.00, or both. Any person who commits such a

243 violation for the second or any subsequent offense shall be punished by imprisonment for
 244 not less than three nor more than 15 years, a fine not to exceed \$250,000.00, or both.
 245 (a.1) A violation of Code Section 16-9-121.1 shall be punishable by imprisonment for not
 246 less than one nor more than 15 years, a fine not to exceed \$250,000.00, or both, and such
 247 sentence shall run consecutively to any other sentence which the person has received.
 248 (b) A violation of this article which does not involve the intent to commit theft or
 249 appropriation of any property, resource, or other thing of value that is committed by a
 250 person who is less than 21 years of age shall be punishable by imprisonment for not less
 251 than one nor more than three years or a fine not to exceed \$5,000.00, or both.
 252 (c) Any person found guilty of a violation of this article may be ordered by the court to
 253 make restitution to any consumer victim or any business victim of such fraud.
 254 (d) Each violation of this article shall constitute a separate offense.
 255 (e) Upon a conviction of a violation of this article, the court may issue any order necessary
 256 to correct a public record that contains false information resulting from the actions which
 257 resulted in the conviction."

258 **SECTION 6.**

259 Said article of said title is further amended by revising Code Section 16-9-128, relating to
 260 exemptions, as follows:

261 "16-9-128.

262 (a) The prohibitions set forth in Code Sections 16-9-121, 16-9-121.1, and 16-9-122 shall
 263 not apply to nor shall any cause of action arise under Code Sections 16-9-129 and 16-9-131
 264 for:

265 (1) The lawful obtaining of credit information in the course of a bona fide consumer or
 266 commercial transaction;

267 (2) The lawful, good faith exercise of a security interest or a right to offset by a creditor
 268 or a financial institution;

269 (3) The lawful, good faith compliance by any party when required by any warrant, levy,
 270 garnishment, attachment, court order, or other judicial or administrative order, decree, or
 271 directive; or

272 (4) The good faith use of identifying information with the permission of the affected
 273 person.

274 (b) The exemptions provided in subsection (a) of this Code section ~~will~~ shall not apply to
 275 a person intending to further a scheme to violate Code Section 16-9-121, 16-9-121.1, or
 276 16-9-122.

277 (c) It ~~is~~ shall not be necessary for the state to negate any exemption or exception in this
 278 article in any complaint, accusation, indictment, or other pleading or in any trial, hearing,

279 or other proceeding under this article involving a business victim. In such cases, the
 280 burden of proof of any exemption or exception is upon the business victim claiming it."

281 **SECTION 7.**

282 Said title is further amended in Chapter 11, relating to offenses against public order and
 283 safety, by adding a new article to read as follows:

284 "ARTICLE 5

285 16-11-200.

286 (a) As used in this Code section, the term:

287 (1) 'Illegal alien' means a person who is verified by the federal government to be present
 288 in the United States in violation of federal immigration law.

289 (2) 'Motor vehicle' shall have the same meaning as provided in Code Section 40-1-1.

290 (b) A person who, while committing another criminal offense, knowingly and intentionally
 291 transports or moves an illegal alien in a motor vehicle for the purpose of furthering the
 292 illegal presence of the alien in the United States shall be guilty of the offense of
 293 transporting or moving an illegal alien.

294 (c) Except as provided in this subsection, a person convicted for a first offense of
 295 transporting or moving an illegal alien who moves seven or fewer illegal aliens at the same
 296 time shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by
 297 imprisonment not to exceed 12 months, a fine not to exceed \$1,000.00, or both. A person
 298 convicted for a second or subsequent offense of transporting or moving an illegal alien, and
 299 a person convicted on a first offense of transporting or moving an illegal alien who moves
 300 eight or more illegal aliens at the same time, shall be guilty of a felony and, upon
 301 conviction thereof, shall be punished by imprisonment of not less than one or more than
 302 five years, a fine of not less than \$5,000.00 or more than \$20,000.00, or both. A person
 303 who commits the offense of transporting or moving an illegal alien who does so with the
 304 intent of making a profit or receiving anything of value shall be guilty of a felony and,
 305 upon conviction thereof, shall be punished by imprisonment of not less than one or more
 306 than five years, a fine of not less than \$5,000.00 or more than \$20,000.00, or both.

307 (d) This Code section shall not apply to:

308 (1) A government employee transporting or moving an illegal alien as a part of his or her
 309 official duties or to any person acting at the direction of such employee;

310 (2) A person who transports an illegal alien to or from a judicial or administrative
 311 proceeding when such illegal alien is required to appear pursuant to a summons,
 312 subpoena, court order, or other legal process; or

313 (3) A person who transports an illegal alien to a law enforcement agency or a judicial
314 officer for official government purposes.

315 16-11-201.

316 (a) As used in this Code section, the term:

317 (1) 'Harboring' or 'harbors' means any conduct that tends to substantially help an illegal
318 alien to remain in the United States in violation of federal law but shall not include a
319 person providing services to infants, children, or victims of a crime; a person providing
320 emergency medical service; or an attorney or his or her employees for the purpose of
321 representing a criminal defendant.

322 (2) 'Illegal alien' means a person who is present in the United States in violation of
323 federal immigration law.

324 (b) A person who is acting in violation of another criminal offense and who knowingly
325 conceals, harbors, or shields an illegal alien from detection in any place in this state,
326 including any building or means of transportation, when such person knows that the person
327 being concealed, harbored, or shielded is an illegal alien, shall be guilty of the offense of
328 concealing or harboring an illegal alien.

329 (c) Except as provided in this subsection, a person convicted of concealing or harboring
330 an illegal alien who conceals or harbors seven or fewer illegal aliens at the same time in
331 the same location shall be guilty of a misdemeanor and, upon conviction thereof, shall be
332 punished by imprisonment not to exceed 12 months, a fine not to exceed \$1,000.00, or
333 both. A person convicted of concealing or harboring an illegal alien who conceals or
334 harbors eight or more illegal aliens at the same time in the same location, or who conceals
335 or harbors an illegal alien with the intent of making a profit or receiving anything of value,
336 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment
337 of not less than one or more than five years, a fine of not less than \$5,000.00 or more than
338 \$20,000.00, or both.

339 (d) This Code section shall not apply to a government employee or any person acting at
340 the express direction of a government employee who conceals, harbors, or shelters an
341 illegal alien when such illegal alien is or has been the victim of a criminal offense or is a
342 witness in any civil or criminal proceeding or who holds an illegal alien in a jail, prison,
343 or other detention facility.

344 16-11-202.

345 (a) As used in this Code section, the term 'illegal alien' means a person who is verified by
346 the federal government to be present in the United States in violation of federal
347 immigration law.

348 (b) A person who is acting in violation of another criminal offense and who knowingly
 349 induces, entices, or assists an illegal alien to enter into this state, when such person knows
 350 that the person being induced, enticed, or assisted to enter into this state is an illegal alien,
 351 shall be guilty of the offense of inducing an illegal alien to enter into this state.

352 (c) Except as provided in subsection (d) of this Code section, for a first offense, a person
 353 convicted of inducing an illegal alien to enter into this state shall be guilty of a
 354 misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to
 355 exceed 12 months, a fine not to exceed \$1,000.00, or both. For a second or subsequent
 356 conviction of inducing an illegal alien to enter into this state, a person shall be guilty of a
 357 felony and, upon conviction thereof, shall be punished by imprisonment of not less than
 358 one or more than five years, a fine of not less than \$5,000.00 or more than \$20,000.00, or
 359 both.

360 (d) A person who commits the offense of inducing an illegal alien to enter into this state
 361 who does so with the intent of making a profit or receiving any thing of value shall be
 362 guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not
 363 less than one or more than five years, a fine of not less than \$5,000.00 or more than
 364 \$20,000.00, or both."

365 **SECTION 8.**

366 Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to searches and
 367 seizures, is amended by adding a new article to read as follows:

368 "ARTICLE 5

369 17-5-100.

370 (a) As used in this Code section, the term 'illegal alien' means a person who is verified by
 371 the federal government to be present in the United States in violation of federal
 372 immigration law.

373 (b) Except as provided in subsection (f) of this Code section, during any investigation of
 374 a criminal suspect by a peace officer, when such officer has probable cause to believe that
 375 a suspect has committed a criminal offense, including any traffic offense, the officer shall
 376 be authorized to seek to verify such suspect's immigration status when the suspect is unable
 377 to provide one of the following:

378 (1) A secure and verifiable document as defined in Code Section 50-36-2;

379 (2) A valid Georgia driver's license;

380 (3) A valid Georgia identification card issued by the Department of Driver Services;

- 381 (4) If the entity requires proof of legal presence in the United States before issuance, any
 382 valid driver's license from a state or district of the United States or any valid
 383 identification document issued by the United States federal government; or
 384 (5) Other information as to the suspect's identity that is sufficient to allow the peace
 385 officer to independently identify the suspect.
- 386 (c) When attempting to determine the immigration status of a suspect pursuant to
 387 subsection (b) of this Code section, a peace officer shall be authorized to use any
 388 reasonable means available to determine the immigration status of the suspect, including:
 389 (1) Use of any authorized federal identification data base;
 390 (2) Identification methods authorized by federal law, including those authorized by 8
 391 USCA 1373(c), 8 USCA 1644;
 392 (3) Use of electronic fingerprint readers or similar devices; or
 393 (4) Contacting an appropriate federal agency.
- 394 (d) A peace officer shall not consider race, color, or national origin in implementing the
 395 requirements of this Code section except to the extent permitted by the Constitutions of
 396 Georgia and of the United States.
- 397 (e) If during the course of the investigation into such suspect's identity, a peace officer
 398 receives verification that such suspect is an illegal alien, then such peace officer may take
 399 any action authorized by state and federal law, including, but not limited to, detaining such
 400 suspected illegal alien, securely transporting such suspect to any authorized federal or state
 401 detention facility, or notifying the United States Department of Homeland Security or
 402 successor agency. Nothing in this Code section shall be construed to hinder or prevent a
 403 peace officer or law enforcement agency from arresting or detaining any criminal suspect
 404 on other criminal charges.
- 405 (f) No person who in good faith contacts or has contact with a state or local peace officer
 406 or prosecuting attorney or member of the staff of a prosecuting attorney for the purpose of
 407 acting as a witness to a crime, to report criminal activity, or to seek assistance as a victim
 408 to a crime shall have his or her immigration status investigated based on such contact or
 409 based on information arising from such contact.
- 410 (g) A peace officer or prosecuting attorney, acting in good faith to carry out any provision
 411 of this Code section, shall have immunity from damages or liability from such actions."

412 **SECTION 9.**

413 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
 414 agencies, is amended by adding a new Code section to read as follows:

415 "35-1-16.

416 (a) It is the intent of the General Assembly to encourage Georgia law enforcement officials
417 to work in conjunction with federal immigration authorities and to utilize all resources
418 made available by the federal government to assist state and local law enforcement officers
419 in the enforcement of the immigration laws of this state and of the United States.

420 **(b) Cooperation with federal authorities.**

421 (1) To the extent authorized by federal law, state and local government employees,
422 including law enforcement officers and prosecuting attorneys, shall be authorized to send,
423 receive, and maintain information relating to the immigration status of any individual as
424 reasonably needed for public safety purposes. Except as provided by federal law, such
425 employees shall not be prohibited from receiving or maintaining information relating to
426 the immigration status of any individual or sending or exchanging such information with
427 other federal, state, or local governmental entities or employees for official public safety
428 purposes.

429 (2) State and local agencies shall be authorized to enter into memorandum of
430 understandings and agreements with the United States Department of Justice, the
431 Department of Homeland Security, or any other federal agency for the purpose of
432 enforcing federal immigration and customs laws and the detention, removal, and
433 investigation of illegal aliens and the immigration status of any person in this state. A
434 peace officer acting within the scope of his or her authority under any such memorandum
435 of understanding, agreement, or other authorization from the federal government shall
436 have the power to arrest, with probable cause, any person suspected of being an illegal
437 alien.

438 (3) Except as provided by federal law, no state or local agency or department shall be
439 prohibited from utilizing available federal resources, including data bases, equipment,
440 grant funds, training, or participation in incentive programs for any public safety purpose
441 related to the enforcement of state and federal immigration laws.

442 (4) When reasonably possible, applicable state agencies shall consider incentive
443 programs and grant funding for the purpose of assisting and encouraging state and local
444 agencies and departments to enter into agreements with federal entities and to utilize
445 federal resources consistent with the provisions of this Code section.

446 **(c) Authority to transport illegal aliens.** If a state or local law enforcement officer has
447 verification that a person is an illegal alien, then such officer shall be authorized to securely
448 transport such illegal alien to a federal facility in this state or to any other temporary point
449 of detention and to reasonably detain such illegal alien when authorized by federal law.
450 Nothing in this Code section shall be construed to hinder or prevent a peace officer or law
451 enforcement agency from arresting or detaining any criminal suspect on other criminal
452 charges.

453 (d) Authority to arrest illegal aliens. When authorized by federal law, a state or local
 454 law enforcement officer shall be authorized to arrest any person based on such person's
 455 status as an illegal alien or for a violation of any federal immigration law.

456 (e) Immunity. A law enforcement officer, acting in good faith to enforce immigration
 457 laws pursuant to an agreement with federal authorities to collect or share immigration
 458 status information, or to carry out any provision of this Code section, shall have immunity
 459 from damages or liability from such actions."

460 **SECTION 10.**

461 Said title is further amended in Code Section 35-2-14, relating to defining peace officer and
 462 the enforcement of immigration and custom laws, by revising subsection (d) as follows:

463 "(d) The commissioner shall annually designate ~~appropriate~~ no fewer than ten peace
 464 officers to apply to be trained pursuant to the memorandum of understanding provided for
 465 in subsections (b) and (c) of this Code section. Such training shall be funded pursuant to
 466 ~~the any~~ federal Homeland Security Appropriation Act of 2006, ~~Public Law 109-90~~, or any
 467 subsequent source of federal funding. The provisions of this subsection shall become
 468 effective upon such funding."

469 **SECTION 11.**

470 Said title is further amended by adding a new Code section to read as follows:

471 "35-6A-10.

472 (a) Subject to available funding, the council shall establish a grant or incentive program
 473 for the provision of funds to local law enforcement agencies as incentive to such agencies
 474 to use the federal Department of Homeland Security's Secure Communities initiative or any
 475 successor or similar program and shall establish an incentive program and a grant program
 476 to offset the costs for local law enforcement agencies to enter into and implement
 477 memorandums of agreement with federal agencies under Section 287(g) of the federal
 478 Immigration and Nationality Act. In awarding such grants or incentives, the council shall
 479 be authorized to consider and give priority to local areas with the highest crime rates for
 480 crimes committed by illegal aliens.

481 (b) The council shall:

482 (1) Subject to available funding, provide incentive programs and grants to local law
 483 enforcement agencies for utilizing federal resources and for entering into agreements with
 484 federal agencies for the enforcement of immigration law;

485 (2) Provide technical assistance to local governments and agencies for obtaining and
 486 qualifying for incentive programs and grant funds to utilize available federal resources

487 and to enter into and implement such agreements provided for in subsection (a) of this
 488 Code section;

489 (3) Communicate information regarding the availability of federal resources and
 490 agreements provided for in subsection (a) of this Code section and the availability of
 491 related incentive programs and grant funds and post such information on the agency's
 492 official Internet website;

493 (4) Provide technical assistance and information regarding the process for contacting
 494 federal agencies, utilizing federal resources, and entering into agreements provided for
 495 in subsection (a) of this Code section and post such information on the agency's official
 496 Internet website; and

497 (5) Support state-wide campaigns and information programs in an effort to encourage
 498 every local law enforcement agency in this state to utilize federal resources and enter into
 499 agreements for the enforcement of state and federal immigration law."

500 **SECTION 12.**

501 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
 502 provisions applicable to local governments, is amended by revising Code Section 36-60-6,
 503 relating to issuance of local business licenses and evidence of state licensure, as follows:

504 "36-60-6.

505 (a) Every private employer required to obtain a professional or business license under Title
 506 43 that has five or more employees shall register with and utilize the federal employment
 507 eligibility verification system known as E-Verify for verification of the immigration status
 508 of newly hired employees. The requirements of this subsection shall be effective on July
 509 1, 2012, as to employers with 100 or more employees and on December 31, 2012, as to
 510 employers with five or more employees.

511 (a)(b) Before any county or municipal corporation issues a business license, occupational
 512 tax certificate, or other document required to operate a business to any person engaged in
 513 a profession or business required to be licensed by the state under Title 43, the person must
 514 shall provide evidence of such licensure to the appropriate agency of the county or
 515 municipal corporation that issues business licenses. No business license, occupational tax
 516 certificate, or other document required to operate a business shall be issued to any person
 517 subject to licensure under Title 43 without evidence of such licensure being presented.

518 (c) Before any state agency, board, official, or employee issues or renews a professional
 519 or business license pursuant to Title 43, the person requesting such license shall provide
 520 evidence that he or she is authorized to use the federal employment eligibility verification
 521 system known as E-Verify or evidence that the provisions of this Code section do not
 522 apply. Evidence of such use or nonuse shall be in the form of a sworn affidavit attesting

523 that he or she utilizes and will continue to utilize the employment eligibility verification
 524 system in accordance with federal regulations or that he or she employs fewer than five
 525 employees. The affidavit shall include when applicable the person's federally assigned
 526 employment eligibility verification system user number and the date of authority for use.
 527 The requirements of this subsection shall be effective on July 1, 2012, as to employers with
 528 100 or more employees and on December 31, 2012, as to employers with five or more
 529 employees.

530 (d) Once an applicant for a professional or business license has submitted an affidavit with
 531 a federally assigned employment eligibility verification system user number, he or she shall
 532 not be authorized to submit a renewal application using a new or different federally
 533 assigned employment eligibility verification system user number, unless accompanied by
 534 a sworn document explaining the reason such applicant obtained a new or different
 535 federally assigned employment eligibility verification system user number.

536 ~~(b)~~(e) Any person presenting false or misleading evidence of such state licensure shall be
 537 guilty of a misdemeanor. Any person, including any government official or employee,
 538 knowingly acting in violation of this Code section shall be guilty of a misdemeanor;
 539 provided, however, that any person who knowingly submits a false or misleading affidavit
 540 pursuant to this Code section shall be guilty of submitting a false document in violation of
 541 Code Section 16-10-20. It shall be a defense to a violation of this Code section that such
 542 person acted in good faith and made a reasonable attempt to comply with the requirements
 543 of this Code section.

544 (f) The Attorney General shall be authorized to bring any criminal or civil action he or she
 545 deems necessary to ensure compliance with the provisions of this Code section."

546 **SECTION 13.**

547 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
 548 by revising Code Section 42-4-14, relating to determination of nationality of a person
 549 charged with felony and confined in a jail facility, as follows:

550 "42-4-14.

551 (a) When any person is confined, for any period, in the jail of a county or municipality or
 552 a jail operated by a regional jail authority in compliance with Article 36 of the Vienna
 553 Convention on Consular Relations, a reasonable effort shall be made to determine the
 554 nationality of the person so confined.

555 ~~(b) If the prisoner is a foreign national charged with a felony, driving under the influence~~
 556 ~~pursuant to Code Section 40-6-391, driving without being licensed pursuant to subsection~~
 557 ~~(a) of Code Section 40-5-20, or with a misdemeanor of a high and aggravated nature, the~~
 558 ~~keeper of the jail or other officer shall make~~ When any foreign national is confined, for any

559 period, in a county or municipal jail, a reasonable effort shall be made to verify that the
 560 prisoner such foreign national has been lawfully admitted to the United States and if
 561 lawfully admitted, that such lawful status has not expired. If verification of lawful status
 562 ~~can not~~ cannot be made from documents in the possession of the ~~prisoner~~ foreign national,
 563 verification shall be made within 48 hours through a query to the Law Enforcement
 564 Support Center (LESC) of the United States Department of Homeland Security or other
 565 office or agency designated ~~for that purpose by the United States Department of Homeland~~
 566 Security by the federal government. If the ~~prisoner~~ foreign national is determined ~~not to~~
 567 ~~be lawfully admitted to the United States~~ to be an illegal alien, the keeper of the jail or
 568 other officer shall notify the United States Department of Homeland Security, or other
 569 office or agency designated for notification by the federal government.

570 (c) Nothing in this Code section shall be construed to deny a person bond or from being
 571 released from confinement when such person is otherwise eligible for release; provided,
 572 however, that upon verification that any person confined in a jail is an illegal alien, such
 573 person may be detained, arrested, and transported as authorized by state and federal law.

574 (d) The Georgia Sheriffs Association shall prepare and issue guidelines and procedures
 575 used to comply with the provisions of this Code section."

576 **SECTION 14.**

577 Said title is further amended by revising subsection (c) of Code Section 42-5-51, relating to
 578 reimbursement of counties for housing certain inmates, as follows:

579 "(c) After proper documentation is received from the clerk of the court, the department
 580 shall have 15 days to transfer an inmate under sentence to the place of confinement. If the
 581 inmate is not transferred within the 15 days, the department ~~will~~ shall reimburse the county,
 582 in a sum not less than \$7.50 per day per inmate and in such an amount as may be
 583 appropriated for this purpose by the General Assembly, for the cost of the incarceration,
 584 commencing 15 days after proper documentation is received by the department from the
 585 clerk of the court; provided, however, that, subject to an appropriation of funds, local
 586 governing authorities that have entered into memorandums of understanding or agreement
 587 or that demonstrate continuous attempts to enter into memorandums of understanding or
 588 agreement with the federal government under Section 287(g) of the federal Immigration
 589 and Nationality Act shall receive an additional payment in the amount of 10 percent of the
 590 established rate paid for reimbursement for the confinement of state inmates in local
 591 confinement facilities. The reimbursement provisions of this Code section shall only apply
 592 to payment for the incarceration of felony inmates available for transfer to the department,
 593 except inmates under death sentence awaiting transfer after their initial trial, and shall not
 594 apply to inmates who were incarcerated under the custody of the commissioner at the time

595 they were returned to the county jail for trial on additional charges or returned to the county
596 jail for any other purposes, including for the purpose of a new trial."

597 **SECTION 15.**

598 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
599 is amended by revising Code Section 45-10-28, relating to penalties for a violation of Part 1
600 of Article 2 of Chapter 10 of Title 45 and civil actions by the Attorney General to collect
601 penalties, as follows:

602 "45-10-28.

603 (a)(1) Any appointed public official, agency head, or employee who violates Code
604 Section 45-10-22, 45-10-23, 45-10-24, ~~or 45-10-26~~, or 50-36-1 shall be subject to:

605 (A) Removal from office or employment;

606 (B) A civil fine not to exceed \$10,000.00; and

607 (C) Restitution to the state of any pecuniary benefit received as a result of such
608 violation.

609 (2) Any elected public official or agency head who violates Code Section 45-10-22,
610 45-10-23, 45-10-24, ~~or 45-10-26~~, or 50-36-1 shall be subject to:

611 (A) A civil fine not to exceed \$10,000.00; and

612 (B) Restitution to the state of any pecuniary benefit received as a result of such
613 violation.

614 (3) Any business which violates Code Section 45-10-22, 45-10-23, 45-10-24, or
615 45-10-26 shall be subject to:

616 (A) A civil fine not to exceed \$10,000.00; and

617 (B) Restitution to the state of any pecuniary benefit received as a result of such
618 violation.

619 (b) The penalties provided for in subsection (a) of this Code section may be imposed in
620 any civil action brought for that purpose, and such actions shall be brought by the Attorney
621 General.

622 (c) As used in this Code section, the term 'agency head' shall have the same meaning as
623 set forth in Code Section 50-36-1."

624 **SECTION 16.**

625 Said title is further amended by adding a new Code section to read as follows:

626 "45-15-71.

627 (a) As used in this Code section, the term 'public agency or employee' means any
628 government, department, commission, committee, authority, board, or bureau of this state

629 or any political subdivision of this state and any employee or official, whether appointed,
 630 elected, or otherwise employed by such governmental entities.

631 (b) A resident of Georgia who is also a registered voter shall be authorized to file a
 632 complaint with the Attorney General for an alleged violation of Code Section 13-10-91,
 633 36-80-23, or 50-36-1 by a public agency or employee. The Attorney General or his or her
 634 designee shall be authorized and empowered to conduct an investigation into the acts and
 635 practices of such public agency or employee. If, as a result of this investigation, the
 636 Attorney General finds that there is a reasonable basis to believe that one or more of the
 637 allegations in the complaint can be substantiated, he or she shall issue an opinion outlining
 638 the basis for his or her findings. Notice of the opinion shall be served on the applicable
 639 public agency and employee and the complainant.

640 (c) If there is a finding by the Attorney General that a public agency or employee has
 641 violated or failed to abide by the provisions of Code Section 13-10-91, 36-80-23, or
 642 50-36-1, the Attorney General shall order the public agency or employee, or both, to
 643 conform to the requirements of the law and shall assess against the public agency or
 644 employee, or both, a civil penalty of not less than \$1,000.00 or more than \$5,000.00 for
 645 each separate violation. The Attorney General shall collect the civil penalty and after
 646 retaining amounts for actual costs and attorney's fees incurred as a result of the
 647 investigation and litigation, if any, remit the same to the general fund.

648 (d) Any public agency or employee objecting to the findings or penalty shall be entitled
 649 to appeal the same as provided for by Chapter 13 of Title 50, the 'Georgia Administrative
 650 Procedure Act.' Such objection and request for a hearing shall be filed within 30 days of
 651 service of the notice of civil penalties.

652 (e) Nothing in this Code section shall affect or preclude the right of any party to any
 653 recovery otherwise authorized by common law, statute, or rule. The Attorney General shall
 654 be authorized to bring any civil action against a public agency or employee that he or she
 655 deems necessary to enforce compliance with this Code section."

656 **SECTION 17.**

657 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the
 658 imposition, rate, computation, and exemptions for revenue and taxation, is amended by
 659 adding a new Code section to read as follows:

660 "48-7-21.2.

661 (a) As used in this Code section, the term:

662 (1) 'Authorized employee' means any individual authorized for employment in the
 663 United States through any of the electronic verification of work authorization programs
 664 operated by the United States Department of Homeland Security or any equivalent federal

665 work authorization program operated by the United States Department of Homeland
 666 Security to verify employment information of newly hired employees, commonly known
 667 as E-Verify.

668 (2) 'Labor services' means the physical performance of services in this state.

669 (b) On or after January 1, 2012, no wages or remuneration for labor services to an
 670 individual of \$600.00 or more per annum may be claimed and allowed as a deductible
 671 business expense for state income tax purposes by a taxpayer unless such individual is an
 672 authorized employee. The provisions of this subsection shall apply whether or not an
 673 Internal Revenue Service Form 1099 is issued in conjunction with the wages or
 674 remuneration.

675 (c) This Code section shall not apply to any business domiciled in this state which is
 676 exempt from compliance with federal employment verification procedures under federal
 677 law.

678 (d) This Code section shall not apply to any individual hired by the taxpayer prior to
 679 January 1, 2012.

680 (e) This Code section shall not apply to any taxpayer where the individual being paid is
 681 not directly compensated or employed by said taxpayer.

682 (f) This Code section shall not apply to wages or remuneration paid for labor services to
 683 any individual who holds and presents to the taxpayer a valid license or identification card
 684 issued by the Georgia Department of Driver Services.

685 (g) The commissioner shall be authorized to prescribe forms and promulgate rules and
 686 regulations deemed necessary in order to administer and effectuate this Code section."

687 **SECTION 18.**

688 Chapter 36 of Title 50 of the Official Code of Georgia Annotated, relating to verification of
 689 lawful presence within the United States, is amended by revising subsection (a) of Code
 690 Section 50-36-1, relating to verification of lawful presence within the United States for
 691 receipt of certain government benefits, by renumbering paragraphs (1) through (3) as
 692 paragraphs (2) through (4), respectively, and by adding a new paragraph (1) to read as
 693 follows:

694 "(1) 'Agency head' means a director, commissioner, chairperson, mayor, councilmember,
 695 board member, sheriff, or other executive official, whether appointed or elected,
 696 responsible for establishing policy for a public employer."

697 **SECTION 19.**

698 Said Code section of said chapter is further amended by revising subsection (e) as follows:

699 "(e) An agency or political subdivision providing or administering a public benefit shall
700 require every applicant for such benefit to:

701 (1) Provide at least one secure and verifiable document, as defined in Code Section
702 50-36-2; and

703 (2) Execute ~~execute~~ a signed and sworn affidavit verifying the applicant's lawful
704 presence in the United States, which affidavit shall state:

705 ~~(1)(A)~~ (A) The applicant is a United States citizen or legal permanent resident 18 years of
706 age or older; or

707 ~~(2)(B)~~ (B) The applicant is a qualified alien or nonimmigrant under the federal
708 Immigration and Nationality Act, Title 8 U.S.C., ~~as amended~~, 18 years of age or older
709 lawfully present in the United States and provide the applicant's alien number issued
710 by the Department of Homeland Security or other federal immigration agency."

711 SECTION 20.

712 Said Code section of said chapter is further amended by revising subsection (o) as follows:

713 "(o) No employer, agency, or political subdivision shall be subject to lawsuit or liability
714 arising from any act to comply with the requirements of this chapter; provided, however,
715 that the intentional and knowing failure of any agency head to abide by the provisions of
716 this chapter shall:

717 (1) Be a violation of the code of ethics for government service established in Code
718 Section 45-10-1 and subject such agency head to the penalties provided for in Code
719 Section 45-10-28, including removal from office and a fine not to exceed \$10,000.00; and

720 (2) Be a high and aggravated misdemeanor offense where such agency head acts to
721 willfully violate the provisions of this Code section or acts so as to intentionally and
722 deliberately interfere with the implementation of the requirements of this Code section.

723 In addition to any other person authorized by law, the Attorney General shall have the
724 authority to conduct a criminal and civil investigation of an alleged violation of this chapter
725 by an agency or agency head and to bring a prosecution or civil action against an agency
726 or agency head for all cases of violations under this chapter. In the event that an order is
727 entered against an employer, the state shall be awarded attorney's fees and expenses of
728 litigation incurred in bringing such an action and investigating such violation."

729 SECTION 21.

730 Said chapter is further amended by adding a new Code section to read as follows:

731 "50-36-2.

732 (a) This Code section shall be known and may be cited as the 'Secure and Verifiable
733 Identity Document Act.'

- 734 (b) As used in this Code section, the term:
- 735 (1) 'Agency or political subdivision' means any department, agency, authority,
736 commission, or government entity of this state or any subdivision of this state.
- 737 (2) 'Public official' means an elected or appointed official or an employee or an agent of
738 an agency or political subdivision.
- 739 (3) 'Secure and verifiable document' means a document issued by a state or federal
740 jurisdiction or recognized by the United States government and that is verifiable by
741 federal or state law enforcement, intelligence, or homeland security agencies. Secure and
742 verifiable document shall not mean a Matricula Consular de Alta Seguridad, matricula
743 consular card, consular matriculation card, consular identification card, or similar
744 identification card issued by a foreign government regardless of the holder's immigration
745 status.
- 746 (c) Unless required by federal law, on or after January 1, 2012, no agency or political
747 subdivision shall accept, rely upon, or utilize an identification document for any official
748 purpose that requires the presentation of identification by such agency or political
749 subdivision or by federal or state law unless it is a secure and verifiable document.
- 750 (d) Any person acting in willful violation of this Code section by knowingly accepting
751 documents that are not secure and verifiable documents shall be guilty of a misdemeanor
752 and, upon conviction thereof, shall be punished by imprisonment not to exceed 12 months,
753 a fine not to exceed \$1,000.00, or both.
- 754 (e) This Code section shall not apply to:
- 755 (1) A person reporting a crime;
- 756 (2) An agency official accepting a crime report, conducting a criminal investigation, or
757 assisting a foreign national to obtain a temporary protective order;
- 758 (3) A person providing services to infants, children, or victims of a crime;
- 759 (4) A person providing emergency medical service;
- 760 (5) A peace officer in the performance of the officer's official duties and within the scope
761 of his or her employment;
- 762 (6) Instances when a federal law mandates acceptance of a document;
- 763 (7) A court, court official, or traffic violation bureau for the purpose of enforcing a
764 citation, accusation, or indictment; or
- 765 (8) An attorney or his or her employees for the purpose of representing a criminal
766 defendant.
- 767 (f) Not later than August 1, 2011, the Attorney General shall provide and make public on
768 the Department of Law's website a list of acceptable secure and verifiable documents. The
769 list shall be reviewed and updated annually by the Attorney General."

770

SECTION 22.

771

(a) If any provision or part of any provision of this Act or the application of the same is held
772 invalid or unconstitutional, the invalidity shall not affect the other provisions or applications
773 of this Act or any other part of this Act than can be given effect without the invalid provision
774 or application, and to this end, the provisions of this Act are severable.

775

(b) The terms of this Act regarding immigration shall be construed to have the meanings
776 consistent with such terms under federal immigration law.

777

(c) The provisions of this Act shall be implemented in a manner consistent with federal laws
778 governing immigration and civil rights.

779

SECTION 23.

780

Section 19 of this Act shall become effective on January 1, 2012. The remaining sections
781 of this Act shall become effective on July 1, 2011. Except as otherwise expressly provided,
782 the sections of this Act shall apply to offenses and violations occurring on or after their
783 respective effective dates.

784

SECTION 24.

785

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