

House Bill 125 (COMMITTEE SUBSTITUTE)

By: Representatives Hightower of the 68th, Golick of the 40th, and Jasperse of the 11th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated,
2 relating to security and immigration compliance, so as to modify provisions relating to
3 penalties for the failure of a public employer to utilize the federal work authorization
4 program and modify provisions relating to requiring private employers to utilize the federal
5 work authorization program; to provide legislative intent relative thereto; to amend Code
6 Section 36-60-6 of the Official Code of Georgia Annotated, relating to utilization of the
7 federal work authorization program, so as to modify provisions relating to private businesses
8 participating in the employment eligibility verification system prior to the issuance of a
9 business license or other document and provisions related to evidence of state licensure,
10 annual reporting, and violations; to amend Code Section 36-80-23 of the Official Code of
11 Georgia Annotated, relating to prohibition on immigration sanctuary policies by local
12 governmental entities, so as to correct a cross-reference; to amend Chapter 36 of Title 50 of
13 the Official Code of Georgia Annotated, relating to verification of lawful presence within the
14 United States, so as to modify provisions relating to the "Secure and Verifiable Identity
15 Document Act" and the provision of public benefits to illegal aliens and to add new
16 provisions relating to requiring agencies to submit annual immigration compliance reports;
17 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
18 other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

24 "13-10-90.

25 As used in this article, the term:

26 (1) 'Commissioner' means the Commissioner of Labor.

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

29 (3) 'Federal work authorization program' means any of the electronic verification of work
30 authorization programs operated by the United States Department of Homeland Security
31 or any equivalent federal work authorization program operated by the United States
32 Department of Homeland Security to verify employment eligibility information of newly
33 hired employees, commonly known as E-Verify, or any subsequent replacement program.

34 (4) 'Physical performance of services' means ~~the building, altering, repairing, improving,~~
35 ~~or demolishing of any public structure or building or other public improvements of any~~
36 ~~kind to public real property within this state, including the construction, reconstruction,~~
37 ~~or maintenance of all or part of a public road; or any other performance of labor or~~ or
38 services for a public employer within this state under a contract or other using a bidding
39 process or by contract wherein the labor or services exceed \$2,499.99.

40 (5) 'Public employer' means every department, agency, or instrumentality of ~~the~~ this state
41 or a political subdivision of ~~the~~ this state ~~with more than one employee.~~

42 (6) 'Subcontractor' means a person or entity having privity of contract with a contractor,
43 subcontractor, or sub-subcontractor and includes a contract employee or staffing agency.

44 (7) 'Sub-subcontractor' means a person or entity having privity of contract with a
45 subcontractor or privity of contract with another person or entity contracting with a
46 subcontractor or sub-subcontractor."

47 SECTION 2.

48 It is the intent of the General Assembly that all public employers and contractors at every tier
49 and level use the federal work authorization program on all projects, jobs, and work resulting
50 from any bid or contract and that every public employer and contractor working for a public
51 employer take all possible steps to ensure that a legal and eligible workforce is utilized in
52 accordance with federal immigration and employment.

53 SECTION 3.

54 Article 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to
55 security and immigration compliance, is amended by revising paragraph (1) of subsection
56 (b) and subparagraph (b)(7)(A) of Code Section 13-10-91, relating to verification of new
57 employee eligibility, applicability, and rules and regulations, as follows:

58 "(b)(1) A public employer shall not enter into a contract ~~pursuant to this chapter~~ for the
59 physical performance of services unless the contractor registers and participates in the
60 federal work authorization program. Before a bid for any such service is considered by

61 a public employer, the bid shall include a signed, notarized affidavit from the contractor
62 attesting to the following:

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

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

66 (C) The affiant will continue to use the federal work authorization program throughout
67 the contract period; and

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

71 An affidavit required by this subsection shall be considered an open public record once
72 a public employer has entered into a contract for physical performance of services;
73 provided, however, that any information protected from public disclosure by federal law
74 or by Article 4 of Chapter 18 of Title 50 shall be redacted. Affidavits shall be maintained
75 by the public employer for five years from the date of receipt."

76 ~~"(7)(A) Not later than December 31 of each year, a public employer shall submit a~~
77 ~~compliance report to the state auditor certifying compliance with the provisions of this~~
78 ~~subsection. Such compliance report shall contain the public employer's federal work~~
79 ~~authorization program verification user number and date of authorization and the legal~~
80 ~~name, address, and federal work authorization program user number of the contractor~~
81 ~~and the date of the contract between the contractor and public employer. Public~~
82 ~~employers subject to the requirements of this subsection shall provide an annual report~~
83 ~~to the Department of Audits and Accounts pursuant to Code Section 50-36-4 as proof~~
84 ~~of compliance with this subsection.~~ Subject to available funding, the state auditor shall
85 conduct annual compliance audits on a minimum of at least one-half of the reporting
86 agencies and publish the results of such audits annually on the department's Department
87 of Audits and Accounts' website on or before September 30."

88 **SECTION 4.**

89 Code Section 36-60-6 of the Official Code of Georgia Annotated, relating to utilization of
90 the federal work authorization program, issuance of a business or similar license, evidence
91 of state licensure, annual reporting, form affidavit, violations, and investigations, is amended
92 by revising subsections (d), (e), and (f) as follows:

93 "(d)(1) Before any county or municipal corporation issues ~~or renews~~ a business license,
94 occupational tax certificate, or other document required to operate a business to any
95 person, the person shall provide evidence that he or she is authorized to use the federal
96 work authorization program or evidence that the provisions of this Code section do not

97 apply. Evidence of such use shall be in the form of an affidavit as provided by the
 98 Attorney General in subsection (f) of this Code section attesting that he or she utilizes the
 99 federal work authorization program in accordance with federal regulations or that he or
 100 she employs fewer than 11 employees or otherwise does not fall within the requirements
 101 of this Code section. Whether an employer is exempt from using the federal work
 102 authorization program as required by this Code section shall be determined by the
 103 number of employees employed by such employer on January 1 of the year during which
 104 the affidavit is submitted. The affidavit shall include the employer's federally assigned
 105 employment eligibility verification system user number and the date of authority for use.
 106 The requirements of this subsection shall be effective on January 1, 2012, as to employers
 107 with 500 or more employees, on July 1, 2012, as to employers with 100 or more
 108 employees but fewer than 500 employees, and on July 1, 2013, as to employers with more
 109 than ten employees but fewer than 100 employees.

110 (2) Upon satisfying the requirements of paragraph (1) of this subsection, for all
 111 subsequent renewals of a business license, occupation tax certificate, or other document,
 112 the person shall submit to the county or municipality his or her federal work authorization
 113 user number or assert that he or she is exempt from this requirement, provided that the
 114 federal work authorization user number provided for the renewal is the same federal work
 115 authorization user number as provided in the affidavit under paragraph (1) of this
 116 subsection. If the federal work authorization user number is different than the federal
 117 work authorization user number provided in the affidavit under paragraph (1) of this
 118 subsection, then the person shall be subject to the requirements of subsection (g) of this
 119 Code section.

120 ~~(e) Beginning December 31, 2012, and annually thereafter, any county or municipal~~
 121 ~~corporation issuing or renewing a business license, occupational tax certificate, or other~~
 122 ~~document required to operate a business shall provide to the Department of Audits and~~
 123 ~~Accounts a report demonstrating that such county or municipality is acting in compliance~~
 124 ~~with the provisions of this Code section. This annual report shall identify each license or~~
 125 ~~certificate issued by the agency in the preceding 12 months and include the name of the~~
 126 ~~person and business issued a license or other document and his or her federally assigned~~
 127 ~~employment eligibility verification system user number as provided in the affidavit~~
 128 ~~submitted at the time of application. Counties and municipal corporations subject to the~~
 129 ~~requirements of this Code section shall provide an annual report to the Department of~~
 130 ~~Audits and Accounts pursuant to Code Section 50-36-4 as proof of compliance with this~~
 131 ~~Code section.~~ Subject to funding, the Department of Audits and Accounts shall annually
 132 conduct an audit of no fewer than 20 percent of such reporting agencies.

133 (f) In order to assist private businesses and counties and municipal corporations in
 134 complying with the provisions of this Code section, the Attorney General shall provide a
 135 standardized form affidavit which ~~may~~ shall be used as acceptable evidence demonstrating
 136 use of the federal employment eligibility verification system or that the provisions of
 137 subsection (b) of this Code section do not apply to the applicant. The form affidavit shall
 138 be posted by the Attorney General on the Department of Law's official website no later
 139 than January 1, 2012."

140 **SECTION 5.**

141 Code Section 36-80-23 of the Official Code of Georgia Annotated, relating to prohibition on
 142 immigration sanctuary policies by local governmental entities, is amended by revising
 143 subsection (c) as follows:

144 "(c) Any local governing body that acts in violation of this Code section shall be subject
 145 to the withholding of state funding or state administered federal funding other than funds
 146 to provide services specified in subsection ~~(c)~~ (d) of Code Section 50-36-1."

147 **SECTION 6.**

148 Chapter 36 of Title 50 of the Official Code of Georgia Annotated, relating to verification of
 149 lawful presence within the United States, is amended by revising Code Section 50-36-1,
 150 relating to verification requirements, procedures, and conditions, exceptions, regulations, and
 151 criminal and other penalties for violations, as follows:

152 "50-36-1.

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

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

157 (2) 'Agency or political subdivision' means any department, agency, authority,
 158 commission, or government entity of this state or any subdivision of this state.

159 (3) 'Applicant' means any natural person, 18 years of age or older, who has made
 160 application for access to public benefits on behalf of an individual, business, corporation,
 161 partnership, or other private entity.

162 ~~(4)(A) 'Public benefit' means a federal benefit as defined in 8 U.S.C. Section 1611, a~~
 163 ~~state, or local benefit as defined in 8 U.S.C. Section 1621, a benefit identified as a public~~
 164 ~~benefit by the Attorney General of Georgia, or a public benefit which shall include the~~
 165 following:

166 ~~(i)(A)~~ (A) Adult education;

167 ~~(i)(B)~~ (B) Authorization to conduct a commercial enterprise or business;

- 168 ~~(iii)(C)~~ Business certificate, license, or registration;
 169 ~~(iv)(D)~~ Business loan;
 170 ~~(v)(E)~~ Cash allowance;
 171 ~~(vi)(F)~~ Disability assistance or insurance;
 172 ~~(vii)(G)~~ Down payment assistance;
 173 ~~(viii)(H)~~ Energy assistance;
 174 ~~(ix)(I)~~ Food stamps;
 175 ~~(x)(J)~~ Gaming license;
 176 (K) Grants;
 177 ~~(xi)(L)~~ Health benefits;
 178 (M) Homestead exemption;
 179 ~~(xii)(N)~~ Housing allowance, grant, guarantee, or loan;
 180 ~~(xiii)(O)~~ Loan guarantee;
 181 ~~(xiv)(P)~~ Medicaid;
 182 ~~(xv)(Q)~~ Occupational license;
 183 ~~(xvi)(R)~~ Professional license;
 184 (S) Public and assisted housing;
 185 ~~(xvii)(T)~~ Registration of a regulated business;
 186 ~~(xviii)(U)~~ Rent assistance or subsidy;
 187 (V) Retirement benefits;
 188 ~~(xix)(W)~~ State grant or loan;
 189 ~~(xx)(X)~~ State issued driver's license and identification card;
 190 ~~(xxi)(Y)~~ Tax certificate required to conduct a commercial business;
 191 (Z) Tax credit;
 192 ~~(xxii)(AA)~~ Temporary assistance for needy families (TANF);
 193 ~~(xxiii)(BB)~~ Unemployment insurance; and
 194 ~~(xxiv)(CC)~~ Welfare to work.

195 ~~(B) Each year before August 1, the Attorney General shall prepare a detailed report~~
 196 ~~indicating any 'public benefit' that may be administered in this state as defined in 8~~
 197 ~~U.S.C. Sections 1611 and 1621 and whether such benefit is subject to SAVE~~
 198 ~~verification pursuant to this Code section. Such report shall provide the description of~~
 199 ~~the benefit and shall be updated annually and distributed to the members of the General~~
 200 ~~Assembly and be posted to the Attorney General's website.~~

201 (5) 'SAVE program' means the federal Systematic Alien Verification for Entitlements
 202 program operated by the United States Department of Homeland Security or a successor
 203 program designated by the United States Department of Homeland Security for the same
 204 purpose.

205 (b) Except as provided in subsection (d) of this Code section or where exempted by federal
 206 law, every agency or political subdivision shall verify the lawful presence in the United
 207 States under federal immigration law of any applicant for public benefits.

208 (c) This Code section shall be enforced without regard to race, religion, gender, ethnicity,
 209 or national origin.

210 (d) Verification of lawful presence in the United States under federal immigration law
 211 under this Code section shall not be required:

212 (1) For any purpose for which lawful presence in the United States under federal
 213 immigration law is not required by law, ordinance, or regulation;

214 (2) For assistance for health care items and services that are necessary for the treatment
 215 of an emergency medical condition, as defined in 42 U.S.C. Section 1396b(v)(3), of the
 216 alien involved and are not related to an organ transplant procedure;

217 (3) For short-term, noncash, in-kind emergency disaster relief;

218 (4) For public health assistance for immunizations with respect to immunizable diseases
 219 and for testing and treatment of symptoms of communicable diseases whether or not such
 220 symptoms are caused by a communicable disease;

221 (5) For programs, services, or assistance such as soup kitchens, crisis counseling and
 222 intervention, and short-term shelter specified by the United States Attorney General, in
 223 the United States Attorney General's sole and unreviewable discretion after consultation
 224 with appropriate federal agencies and departments, which:

225 (A) Deliver in-kind services at the community level, including through public or
 226 private nonprofit agencies;

227 (B) Do not condition the provision of assistance, the amount of assistance provided,
 228 or the cost of assistance provided on the individual recipient's income or resources; and

229 (C) Are necessary for the protection of life or safety;

230 (6) For prenatal care; or

231 (7) For postsecondary education, whereby the Board of Regents of the University System
 232 of Georgia or the State Board of the Technical College System of Georgia shall set forth,
 233 or cause to be set forth, policies regarding postsecondary benefits that comply with all
 234 federal law including but not limited to public benefits as described in 8 U.S.C. Section
 235 1611, 1621, or 1623.

236 (e) All policies of agencies or political subdivisions regarding public benefits for
 237 postsecondary education shall comply with federal law as provided in 8 U.S.C. Section
 238 1623.

239 ~~(e)~~(f)(1) An agency or political subdivision providing or administering a public benefit
 240 shall require every applicant for such benefit to:

241 (A) Provide at least one secure and verifiable document, as defined in Code Section
 242 50-36-2, or a copy or facsimile of such document. Any document required by this
 243 subparagraph may be submitted by or on behalf of the applicant at any time within nine
 244 months prior to the date of application so long as the document remains valid through
 245 the licensing or approval period or such other period for which the applicant is applying
 246 to receive a public benefit; and

247 (B) Execute a signed and sworn affidavit verifying the applicant's lawful presence in
 248 the United States ~~and stating~~ under federal immigration law; provided, however, that
 249 if the applicant is under the age of 18 years at the time of the application, he or she shall
 250 execute the affidavit required by this subparagraph within 30 days after his or her
 251 eighteenth birthday. Such affidavit shall affirm that:

252 (i) The applicant is a United States citizen or legal permanent resident 18 years of age
 253 or older; or

254 (ii) The applicant is a qualified alien or nonimmigrant under the federal Immigration
 255 and Nationality Act, Title 8 U.S.C., 18 years of age or older lawfully present in the
 256 United States and ~~providing~~ provide the applicant's alien number issued by the
 257 Department of Homeland Security or other federal immigration agency.

258 (2) The state auditor shall create affidavits for use under this subsection and shall keep
 259 a current version of such affidavits on the Department of Audits and Accounts' official
 260 website.

261 (3) Documents ~~and copies of documents~~ required by this ~~Code section~~ subsection may
 262 be submitted in person, by mail, or electronically, provided the submission complies with
 263 Chapter 12 of Title 10. Copies of documents submitted in person, by mail, or
 264 electronically shall satisfy the requirements of this Code section. For purposes of this
 265 paragraph, electronic submission shall include a submission via facsimile, Internet,
 266 electronic texting, or any other electronically assisted transmitted method approved by
 267 the agency or political subdivision.

268 (4) The requirements of this subsection shall not apply to any applicant applying for or
 269 renewing an application for a public benefit within the same agency or political
 270 subdivision if the applicant has previously complied with the requirements of this
 271 subsection by submission of a sworn affidavit and a secure and verifiable document, as
 272 defined in Code Section 50-36-2, establishing that such applicant is a United States
 273 citizen.

274 ~~(f)(g)~~ For any applicant who has executed an affidavit that he or she is an alien lawfully
 275 present in the United States, eligibility for public benefits shall be made through the
 276 ~~Systematic Alien Verification of Entitlement (SAVE) program operated by the United~~
 277 ~~States Department of Homeland Security or a successor program designated by the United~~

278 ~~States Department of Homeland Security~~ SAVE program. Until such eligibility
 279 verification is made, the affidavit may be presumed to be proof of lawful presence in the
 280 United States under federal immigration law for the purposes of this Code section.

281 ~~(g)~~(h) Any person who knowingly and willfully makes a false, fictitious, or fraudulent
 282 statement of representation in an affidavit executed pursuant to this Code section shall be
 283 guilty of a violation of Code Section 16-10-20.

284 ~~(h)~~(i) Verification of citizenship through means required by federal law shall satisfy the
 285 requirements of this Code section.

286 ~~(i)~~(j) It shall be unlawful for any agency or political subdivision to provide or administer
 287 any public benefit in violation of this Code section. ~~On or before January 1 of each year,~~
 288 ~~each agency or political subdivision which administers any public benefit shall provide an~~
 289 ~~annual report to the Department of Community Affairs that identifies each public benefit,~~
 290 ~~as defined in subparagraph (a)(3)(A) of this Code section, administered by the agency or~~
 291 ~~political subdivision and a listing of each public benefit for which SAVE authorization for~~
 292 ~~verification has not been received.~~ Agencies and political subdivisions subject to the
 293 requirements of this subsection shall provide an annual report to the Department of Audits
 294 and Accounts pursuant to Code Section 50-36-4 as proof of compliance with this
 295 subsection. Any agency failing to provide a report as required by this subsection shall not
 296 be entitled to any assistance, funds, or grants from the Department of Community Affairs.

297 ~~(j)~~(k) Any and all errors and significant delays by the SAVE program shall be reported to
 298 the United States Department of Homeland Security.

299 ~~(k)~~(l) Notwithstanding subsection ~~(g)~~ (h) of this Code section, any applicant for public
 300 benefits shall not be guilty of any crime for executing an affidavit attesting to his or her
 301 lawful presence in the United States under federal immigration law that contains a false
 302 statement if ~~said~~ such affidavit is not required by this Code section.

303 ~~(l)~~(m) In the event a legal action is filed against any agency or political subdivision
 304 alleging improper denial of a public benefit arising out of an effort to comply with this
 305 Code section, the Attorney General shall be served with a copy of the proceeding and shall
 306 be entitled to be heard.

307 ~~(m)~~(n) Compliance with this Code section by an agency or political subdivision shall
 308 include taking all reasonable, necessary steps required by a federal agency to receive
 309 authorization to utilize the SAVE program or any successor program designated by the
 310 United States Department of Homeland Security or other federal agency, including
 311 providing copies of statutory authorization for the agency or political subdivision to
 312 provide public benefits and other affidavits, letters of memorandum of understanding, or
 313 other required documents or information needed to receive authority to utilize the SAVE
 314 program or any successor program for each public benefit provided by such agency or

315 political subdivision. An agency or political subdivision that takes all reasonable,
 316 necessary steps and submits all requested documents and information as required in this
 317 subsection but either has not been given access to use such programs by such federal
 318 agencies or has not completed the process of obtaining access to use such programs shall
 319 not be liable for failing to use the SAVE program or any such successor program to verify
 320 eligibility for public benefits.

321 ~~(n)~~(o) In the case of noncompliance with the provisions of this Code section by an agency
 322 or political subdivision, the appropriations committee of each house of the General
 323 Assembly may consider such noncompliance in setting the budget and appropriations.

324 ~~(o)~~(p) No employer, agency, or political subdivision shall be subject to lawsuit or liability
 325 arising from any act to comply with the requirements of this chapter; provided, however,
 326 that the intentional and knowing failure of any agency head to abide by the provisions of
 327 this chapter shall:

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

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

334 The Attorney General shall have the authority to conduct a criminal and civil investigation
 335 of an alleged violation of this chapter by an agency or agency head and to bring a
 336 prosecution or civil action against an agency or agency head for all cases of violations
 337 under this chapter. In the event that an order is entered against an employer, the state shall
 338 be awarded attorney's fees and expenses of litigation incurred in bringing such an action
 339 and investigating such violation."

340 **SECTION 7.**

341 Said chapter is further amended by revising Code Section 50-36-2, relating to secure and
 342 verifiable identification documents, as follows:

343 "50-36-2.

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

346 (b) As used in this Code section, the term:

347 (1) 'Agency or political subdivision' means any department, agency, authority,
 348 commission, or government entity of this state or any subdivision of this state.

349 (2) 'Public official' means an elected or appointed official or an employee or an agent of
 350 an agency or political subdivision.

351 (3)(A) 'Secure and verifiable document' means a document issued by a state or federal
 352 jurisdiction or recognized by the United States government and that is verifiable by
 353 federal or state law enforcement, intelligence, or homeland security agencies.

354 (B) The term 'secure and verifiable document' shall not include any foreign passport
 355 unless the passport is submitted with a valid United States Homeland Security Form
 356 I-94, I-94A, or I-94W, or other federal document specifying an alien's lawful
 357 immigration status, or other proof of lawful presence in the United States under federal
 358 immigration law; a birth certificate issued by a foreign country unless accompanied by
 359 a passport submitted with appropriate immigration documents including a visa and a
 360 valid United States Homeland Security Form I-94, I-94A, I-94W, or I-551 stamp or
 361 other federal document specifying an alien's lawful immigration status, or other proof
 362 of lawful presence in the United States under federal immigration law; or Secure and
 363 verifiable document shall not mean a Matricula Consular de Alta Seguridad, matricula
 364 consular card, consular matriculation card, consular identification card, or similar
 365 identification card issued by a foreign government regardless of the holder's
 366 immigration status. Only those documents approved and posted by the Attorney
 367 General pursuant to subsection (f) (g) of this Code section shall be considered secure
 368 and verifiable documents.

369 (c) Unless required by federal law, on or after January 1, 2012, no agency or political
 370 subdivision shall accept, rely upon, or utilize an identification document for any official
 371 purpose that requires the presentation of identification by such agency or political
 372 subdivision or by federal or state law unless it is a secure and verifiable document.

373 (d) Copies of secure and verifiable documents submitted in person, by mail, or
 374 electronically shall satisfy the requirements of this Code section. For purposes of this
 375 subsection, electronic submission shall include, but shall not be limited to, submission via
 376 facsimile, Internet, or any other electronically assisted transmitted method approved by the
 377 agency or political subdivision.

378 ~~(d)~~(e) Any person acting in willful violation of this Code section by knowingly accepting
 379 identification documents that are not secure and verifiable documents shall be guilty of a
 380 misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to
 381 exceed 12 months, a fine not to exceed \$1,000.00, or both.

382 ~~(e)~~(f) This Code section shall not apply to:

- 383 (1) A person reporting a crime;
- 384 (2) An agency official accepting a crime report, conducting a criminal investigation, or
 385 assisting a foreign national to obtain a temporary protective order;
- 386 (3) A person providing services to infants, children, or victims of a crime;
- 387 (4) A person providing emergency medical service;

- 388 (5) A peace officer in the performance of the officer's official duties and within the scope
 389 of his or her employment;
- 390 (6) Instances when a federal law mandates acceptance of a document;
- 391 (7) A court, court official, or traffic violation bureau for the purpose of enforcing a
 392 citation, accusation, or indictment;
- 393 (8) Paragraph (2) of subsection (a) of Code Section 40-5-21 or paragraph (2) of
 394 subsection (a) of Code Section 40-5-21.1; or
- 395 (9) An attorney or his or her employees for the purpose of representing a criminal
 396 defendant.
- 397 ~~(f)~~(g) Not later than August 1, 2011, the Attorney General shall provide and make public
 398 on the Department of Law's website a list of acceptable secure and verifiable documents.
 399 The list shall be reviewed and updated annually by the Attorney General."

400 SECTION 8.

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

402 "50-36-4.

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

404 (1) 'Agency or political subdivision' means any department, agency, authority,
 405 commission, or governmental entity of this state or any subdivision of this state.

406 (2) 'Annual reporting period' means from December 1 of the preceding year through
 407 November 30 of the year in which the report is due.

408 (3) 'Contractor' shall have the same meaning as set forth in Code Section 13-10-90.

409 (4) 'Department' means the Department of Audits and Accounts.

410 (5) 'Physical performance of services' shall have the same meaning as set forth in Code
 411 Section 13-10-90.

412 (6) 'Public employer' shall have the same meaning as set forth in Code Section 13-10-90.

413 (b) Each agency or political subdivision subject to any of the requirements provided in
 414 Code Sections 13-10-91, 36-60-6, and 50-36-1 shall submit an annual immigration
 415 compliance report to the department by December 31 that includes the information required
 416 under subsection (d) of this Code section for the annual reporting period. If an agency or
 417 political subdivision is exempt from any, but not all, of the provisions of subsection (d) of
 418 this Code section, it shall still be required to submit the annual report but shall indicate in
 419 the report which requirements from which it is exempt.

420 (c) The department shall create an immigration compliance reporting system and shall
 421 provide technical support for the submission of such reports. The department shall further
 422 provide annual notification of such reports with submission instructions to all agencies and

423 political subdivisions subject to such requirements. The department shall be authorized to
424 implement policy as is needed to carry out the requirements of this subsection.

425 (d) The immigration compliance report provided for in subsection (b) of this Code section
426 shall contain the following:

427 (1) The agency or political subdivision's federal work authorization program verification
428 user number and date of authorization;

429 (2) The legal name, address, and federal work authorization program user number of
430 every contractor that has entered into a contract for the physical performance of services
431 with a public employer as required under Code Section 13-10-91 during the annual
432 reporting period;

433 (3) The date of the contract for the physical performance of services between the
434 contractor and public employer as required under Code Section 13-10-91;

435 (4) A listing of each license or certificate issued by a county or municipal corporation
436 to private employers that are required to utilize the federal work authorization program
437 under the provisions of Code Section 36-60-6 during the annual reporting period,
438 including the name of the person and business issued a license and his or her federally
439 assigned employment eligibility verification system user number as provided in the
440 private employer affidavit submitted at the time of application; and

441 (5)(A) A listing of each public benefit administered by the agency or political
442 subdivision and a listing of each public benefit for which SAVE program authorization
443 for verification has not been received.

444 (B) As used in this paragraph, the terms 'public benefit' and 'SAVE program' shall have
445 the same meaning as set forth in Code Section 50-36-1."

446 **SECTION 9.**

447 This Act shall become effective on July 1, 2013.

448 **SECTION 10.**

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