

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 205
Judiciary II Committee Substitute Adopted 6/7/11

Short Title: No Benefits for Illegal Aliens.

(Public)

Sponsors:

Referred to:

March 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT ILLEGAL ALIENS ARE NOT ELIGIBLE FOR PUBLIC
3 BENEFITS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 64 of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 1.

8 "Various Provisions Related to Aliens."

9 **SECTION 2.** G.S. 64-1 through G.S. 64-5 are recodified as Article 1 of Chapter 64
10 of the General Statutes, as created by Section 1 of this act.

11 **SECTION 3.** Chapter 64 of the General Statutes is amended by adding a new
12 Article to read:

13 "Article 2.

14 "Eligibility for Public Benefits.

15 **"§ 64-10. Definitions.**

16 The following definitions apply in this Article:

- 17 (1) Federal public benefit. – As defined in 8 U.S.C. § 1611.
18 (2) Political subdivision. – A county or municipality of this State.
19 (3) State or local public benefit. – As defined in 8 U.S.C. § 1621, except that the
20 term does not include commercial or professional licenses, benefits provided
21 by a public retirement system, or services widely available to the general
22 public population as a whole.

23 **"§ 64-11. Verification of eligibility for federal public benefits.**

24 (a) Certain Documents Must Be Presented. – Notwithstanding any other provision of
25 law and to the extent permitted by federal law, any natural person who applies for a federal
26 public benefit that is administered by this State or a political subdivision of this State shall
27 submit to the entity that administers the federal public benefit at least one of the following
28 documents demonstrating lawful presence in the United States:

- 29 (1) A North Carolina drivers license.
30 (2) A North Carolina special identification card.
31 (3) A birth certificate or delayed birth certificate issued in any state, territory, or
32 possession of the United States.
33 (4) A United States certificate of birth abroad.
34 (5) A United States passport.
35 (6) A foreign passport with a United States visa.
36 (7) An I-94 form with a photograph.



- 1 (8) A United States Citizenship and Immigration Services employment
2 authorization document or refugee travel document.
3 (9) A United States certificate of naturalization or citizenship.
4 (10) A tribal certificate of Indian blood.
5 (11) A tribal or Bureau of Indian Affairs affidavit of birth.

6 (b) Alternate Documents. – To the extent permitted by federal law, an agency of this
7 State or political subdivision of this State may allow tribal members, the elderly, and persons
8 with disabilities or incapacity of the mind or body to provide documentation as specified in
9 section 6036 of the federal Deficit Reduction Act of 2005, P.L. 109-171, and related federal
10 guidance in lieu of the documentation required by this section.

11 (c) Affidavit Required. – Any natural person who applies for a federal public benefit
12 shall sign a sworn affidavit stating that any document presented pursuant to subsection (a) of
13 this section is true under penalty of perjury.

14 (d) Failure to Report Immigration Violations a Misdemeanor. – Failure to report
15 violations of federal immigration law discovered by an employee of an agency of this State or a
16 political subdivision of this State that administers a federal public benefit is a Class 2
17 misdemeanor. If that employee's supervisor knew of the failure to report and failed to direct the
18 employee to make the report, the supervisor is guilty of a Class 2 misdemeanor.

19 (e) Nondiscrimination. – This section shall be enforced without regard to race, color,
20 religion, gender, ethnicity, age, disability, or national origin.

21 (f) Exception. – This section shall not apply to applications for a federal public benefit
22 for which lawful presence in the United States is not required.

23 **"§ 64-12. Verification of eligibility for State or local public benefits.**

24 (a) Certain Documents Must Be Presented. – Notwithstanding any other provision of
25 law and to the extent permitted by federal law, any State agency or political subdivision of this
26 State that administers any State or local public benefit shall require each natural person who
27 applies for a State or local public benefit to submit to the entity that administers the State or
28 local public benefit at least one of the following documents demonstrating lawful presence in
29 the United States:

- 30 (1) A North Carolina drivers license.
31 (2) A North Carolina special identification card.
32 (3) A birth certificate or delayed birth certificate issued in any state, territory, or
33 possession of the United States.
34 (4) A United States certificate of birth abroad.
35 (5) A United States passport.
36 (6) A foreign passport with a United States visa.
37 (7) An I-94 form with a photograph.
38 (8) A United States Citizenship and Immigration Services employment
39 authorization document or refugee travel document.
40 (9) A United States certificate of naturalization or citizenship.
41 (10) A tribal certificate of Indian blood.
42 (11) A tribal or Bureau of Indian Affairs affidavit of birth.

43 (b) Alternate Documents. – To the extent permitted by federal law, an agency of this
44 State or political subdivision of this State may allow tribal members, the elderly, and persons
45 with disabilities or incapacity of the mind or body to provide documentation as specified in
46 section 6036 of the federal Deficit Reduction Act of 2005, P.L. 109-171, and related federal
47 guidance in lieu of the documentation required by this section.

48 (c) Affidavit Required. – Any natural person who applies for a State or local public
49 benefit shall sign a sworn affidavit stating that any document presented pursuant to subsection
50 (a) of this section is true under penalty of perjury.

1 (d) Failure to Report Immigration Violations a Misdemeanor. – Failure to report
2 violations of federal immigration law discovered by an employee of an agency of this State or a
3 political subdivision of this State that administers a State or local public benefit is a Class 2
4 misdemeanor. If that employee's supervisor knew of the failure to report and failed to direct the
5 employee to make the report, the supervisor is guilty of a Class 2 misdemeanor.

6 (e) Nondiscrimination. – This section shall be enforced without regard to race, color,
7 religion, gender, ethnicity, age, disability, or national origin.

8 (f) Exception. – This section shall not apply to applications for a State or local public
9 benefit for which lawful presence in the United States is not required.

10 **"§ 64-13. Construction and severability.**

11 (a) Construction. – This Article shall be construed in a manner consistent with federal
12 law.

13 (b) Severability. – The provisions of this Article are severable. If any part of this Article
14 is declared invalid or unconstitutional, such declaration shall not affect the remainder. If any
15 particular interpretation or application of the provisions of this Article is declared invalid or
16 unconstitutional, such declaration shall not affect other interpretations or applications."

17 **SECTION 4.** This act becomes effective October 1, 2011.