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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CONTROL OF ILLEGAL
IMMIGRATION

Introduced By: Representatives Palumbo, Trillo, Malik, Nunes, and Edwards

Date Introduced: February 01, 2012

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 155

4 CONTROL OF ILLEGAL IMMIGRATION

5 **42-155-1. Legislative findings.** – (a) Most Rhode Islanders and most Americans are
6 descendants of immigrants from all regions of the world and Rhode Island continues to welcome
7 new immigrants who legally seek the opportunities that the state, its economy, and its resources
8 offer;

9 (b) The Congress and President of the United States have been unable to resolve the
10 problem of illegal immigration, leaving the states to deal with the consequences of eleven (11) to
11 twenty (20) million illegal immigrants residing in the United States, the number in Rhode Island
12 being between twenty thousand (20,000) to forty thousand (40,000), which is more than the
13 population of thirty-two (32) of Rhode Island's thirty-nine (39) cities and towns;

14 (c) The presence of a significant number of people illegally residing in the State of Rhode
15 Island creates a burden on the resources of state and local human services, law enforcement
16 agencies, educational institutions and other governmental institutions and diminishes
17 opportunities for citizens and legal immigrants in Rhode Island;

18 (d) Congress in 1996 amended the Immigration and Nationality Act, 8 U.S.C. section

1 1373(c), to allow government entities or officials to send to or receive from the Immigration and
2 Naturalization Service information regarding the citizenship or immigration status, lawful or
3 unlawful, of any individual and the federal government established the E-Verify program to help
4 employers electronically verify the employment eligibility of new hires and the validity of the
5 social security numbers;

6 (e) The Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) added
7 section 287(g), performance of immigration officer functions by state officers and employees, to
8 the Immigration and Nationality Act (INA), and authorizes the secretary of the U.S. department
9 of homeland security to enter into agreements with state and local law enforcement agencies,
10 permitting designated officers to perform immigration law enforcement functions pursuant to a
11 Memorandum of Agreement (MOA), provided that the local law enforcement officers received
12 appropriate training and function under the supervision of sworn U.S. Immigration and Customs
13 Enforcement (ICE) officers; and

14 (f) Law enforcement can more effectively combat criminal activity related to illegal
15 immigration if federal, state and local authorities work on a cooperative basis.

16 **42-155-2. Use of E-Verify.** – (a) The department of administration shall register and use
17 the federal government’s E-Verify program to electronically verify the employment eligibility of
18 new hires in the executive department and the validity of their social security numbers to ensure
19 that all employees of the executive department are legally eligible to be employed in the United
20 States and take appropriate action against those that are not eligible for employment, consistent
21 with federal and state law. For purposes of this chapter, the executive department is considered to
22 be all agencies and departments in the executive department excluding the offices of general
23 officers, said officers being the department of attorney general, lieutenant governor, secretary of
24 state, and general treasurer.

25 (b) The department of administration shall require that all persons and business, including
26 grantees, contractors and their subcontractors and vendors doing business with the State of Rhode
27 Island also register with and utilize the services of the E-Verify program to ensure compliance
28 with federal and state law.

29 **42-155-3. Identity theft.** – The directors of each department and state agency in the
30 executive department shall attempt to notify any person whose identity was stolen or otherwise
31 improperly used by any person in order to receive any benefit, including, but not limited to, child
32 care, health care, any government issued identification card, including driver’s license and non-
33 driver’s license identification, welfare or employment.

34 **42-155-4. State police to secure agreement.** – The Rhode Island state police, pursuant to

1 the authority set forth in section 287(g) of IIRAIRA and INA, shall work to secure a MOA with
2 ICE to receive training necessary to enable them to assist ICE personnel in the enforcement of
3 federal immigration laws.

4 **42-155-5. Cooperation by department of corrections and parole board.** – (a) The
5 department of corrections shall also work with ICE officials to secure an MOA that will define
6 the scope of state correctional personnel authority to perform certain immigration law
7 enforcement functions with shall be subject to the cross-supervision of ICE and permit certain
8 correctional personnel to complete appropriate training and function under the supervision of
9 sworn ICE officers to combat illegal immigration issues at the adult correctional institution,
10 consistent with federal and state law.

11 (b) The parole board and the department of corrections shall work cooperatively with ICE
12 personnel to provide for the parole and deportation of criminal aliens.

13 **42-155-6. General provisions.** – All law enforcement officials, including state and local
14 law enforcement agencies shall take steps to support the enforcement of federal immigration laws
15 by investigating and determining the immigration status of all non-citizens taken into a custody,
16 incarcerated, or under investigation for any crime and notifying federal authorities of all illegal
17 immigrants discovered as a result of such investigations.

18 **42-155-7. Savings clause.** – Nothing in this chapter shall be construed to supersede,
19 contravene or conflict with any federal or state law or regulation or deny a person’s rights under
20 the Rhode Island or United States Constitution and to this extent employees of the executive
21 department may act independently of the provisions of this chapter in order to avoid such conflict
22 or violation.

23 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would codify into law the provisions of then-governor Carcieri's Executive
2 Order 2008-01 dated March 27, 2008, entitled "Illegal Immigration Control Order" which would
3 require the department of administration to order the executive department to utilize the E-Verify
4 program to verify the employment eligibility of new hires in said departments and businesses
5 doing business for the departments.

6 This act would take effect upon passage.

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