

2017 -- H 5041

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

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

Introduced By: Representatives Nardolillo, Mendonca, Chippendale, Giarrusso, and
Corvese

Date Introduced: January 06, 2017

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 159

4 CONTROL OF ILLEGAL IMMIGRATION

5 **42-159-1. Legislative findings.**

6 (a) Most Rhode Islanders and most Americans are descendants of immigrants from all
7 regions of the world and Rhode Island continues to welcome new immigrants who legally seek
8 the opportunities that the state, its economy, and its resources offer;

9 (b) The presence of a significant number of people illegally residing in the state creates a
10 burden on the resources of state and local human services, law enforcement agencies, educational
11 institutions and other governmental institutions and diminishes opportunities for citizens and
12 legal immigrants in Rhode Island;

13 (c) In 1996 congress amended the Immigration and Nationality Act, 8 U.S.C. §1373(c), to
14 allow government entities or officials to send to or receive from the Immigration and
15 Naturalization Service information regarding the citizenship or immigration status, lawful or
16 unlawful, of any individual, and the federal government established the E-Verify program to help
17 employers electronically verify the employment eligibility of new hires and the validity of their
18 social security numbers;

1 (d) The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C.
2 (IIRAIRA) §287(g), performance of immigration officer functions by state officers and
3 employees, to the Immigration and Nationality Act (INA), and authorizes the Secretary of the
4 United States Department of Homeland Security to enter into agreements with state and local law
5 enforcement agencies, permitting designated officers to perform immigration law enforcement
6 functions pursuant to a Memorandum of Agreement (MOA); provided, that the local law
7 enforcement officers received appropriate training and function under the supervision of sworn
8 United States Immigration and Customs Enforcement (ICE) officers; and

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

11 **42-159-2. Use of E-Verify.**

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

21 (b) The department of administration shall require that all persons and businesses,
22 including grantees, contractors and their subcontractors and vendors, doing business with the state
23 of Rhode Island to register with and utilize the services of the E-Verify program to ensure
24 compliance with federal and state law.

25 **42-159-3. Identity theft.**

26 The directors of each department and state agency in the executive department shall
27 attempt to notify any person whose identity was stolen or otherwise improperly used by any
28 person in order to receive any benefit, including, but not limited to, child care, health care, any
29 government issued identification card, including driver's license and non-driver's license
30 identification, welfare or employment.

31 **42-159-4. State police to secure agreement.**

32 The Rhode Island state police, pursuant to the authority set forth in 8 U.S.C. §287(g) of
33 IIRAIRA and INA, shall work to secure a MOA with ICE to receive training necessary to enable
34 them to assist ICE personnel in the enforcement of federal immigration laws.

1 **42-159-5. Cooperation by department of corrections and parole board.**

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

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

10 **42-159-6. General provisions.**

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

16 **42-159-7. Savings clause.**

17 Nothing in this chapter shall be construed to supersede, contravene or conflict with any
18 federal or state law or regulation or deny a person's rights under the Rhode Island or United States
19 Constitution, and to this extent employees of the executive department may act independently of
20 the provisions of this chapter in order to avoid such conflict or violation.

21 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 departments to utilize the E-
4 Verify program to verify the employment eligibility of new hires in said departments and
5 businesses doing business for the departments.

6 This act would take effect upon passage.

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