

## HOUSE BILL NO. HB0327

Restrictions on public benefits.

Sponsored by: Representative(s) Cohee, Buchanan and  
Thompson

A BILL

for

1 AN ACT relating to public benefits; requiring verification  
2 of lawful presence in the United States upon application  
3 for public benefits; providing a penalty; and providing for  
4 an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 9-16-101 through 9-16-103 are created  
9 to read:

10

11

CHAPTER 16

12

RESTRICTIONS ON PUBLIC BENEFITS

13

14 **9-16-101. Definitions.**

15

16 (a) As used in this chapter:

1

2 (i) "Emergency medical condition" means as  
3 defined in 42 U.S.C. 1396b(v)(3);

4

5 (ii) "Federal public benefits" means as defined  
6 in 8 U.S.C. 1611;

7

8 (iii) "State or local public benefits" means as  
9 defined in 8 U.S.C. 1621.

10

11 **9-16-102. Verification of lawful presence;**  
12 **exceptions; reporting.**

13

14 (a) Except as otherwise provided in subsection (c) of  
15 this section or where exempted by federal law, each city,  
16 town or agency or political subdivision of the state shall  
17 verify the lawful presence in the United States of each  
18 natural person eighteen (18) years or age of older who  
19 applies for state or local public benefits or for federal  
20 public benefits for the applicant.

21

22 (b) This section shall be enforced without regard to  
23 race, religion, gender, ethnicity or national origin.

24

1           (c) Verification of lawful presence in the United  
2 States shall not be required:

3

4           (i) For any purpose for which lawful presence in  
5 the United States is not required by law, ordinance or  
6 rule;

7

8           (ii) For obtaining health care items and  
9 services that are necessary for the treatment of an  
10 emergency medical condition of the person involved and are  
11 not related to an organ transplant procedure;

12

13           (iii) For short-term, noncash, in-kind emergency  
14 disaster relief;

15

16           (iv) For public health assistance for  
17 immunizations with respect to immunizable diseases and for  
18 testing and treatment of symptoms of communicable diseases  
19 whether or not such symptoms are caused by a communicable  
20 disease;

21

22           (v) For prenatal care; or

23

1           (vi) For programs, services or assistance, such  
2 as soup kitchens, crises counseling and intervention and  
3 short-term shelter specified by federal law or regulation  
4 that:

5

6           (A) Deliver in-kind services at the  
7 community level, including services through public or  
8 nonprofit agencies;

9

10           (B) Do not condition the provision of  
11 assistance, the amount of assistance provided or the costs  
12 of assistance provided on the individual recipient's income  
13 or resources; and

14

15           (C) Are necessary for the protection of  
16 life or safety.

17

18           (d) A city, town or agency or political subdivision  
19 of the state shall verify the lawful presence in the United  
20 States of each applicant eighteen (18) years of age or  
21 older for federal public benefits or state or local public  
22 benefits by requiring the applicant to:

23

1           (i) Execute an affidavit stating that he is a  
2 United States citizen or otherwise lawfully present in the  
3 United States pursuant to federal law and produce:

4  
5           (A) A valid Wyoming driver's license or  
6 Wyoming identification card;

7  
8           (B) A United States military card or a  
9 military dependent's identification card;

10  
11           (C) A United States coast guard merchant  
12 mariner card; or

13  
14           (D) A valid tribal identification card.

15  
16           (e) A person who knowingly makes a false, fictitious  
17 or fraudulent statement or representation in an affidavit  
18 executed pursuant to paragraph (d)(i) of this section is  
19 guilty of a misdemeanor, punishable by imprisonment for not  
20 more than one (1) year, a fine of not more than one  
21 thousand dollars (\$1,000.00), or both.

22  
23           (f) For an applicant who has executed an affidavit  
24 stating that he is an alien lawfully present in the United

1 States, verification of lawful presence for federal public  
2 benefits or state or local public benefits shall be made  
3 through the federal systematic alien verification of  
4 entitlement program operated by the United States  
5 department of homeland security. Until such verification  
6 of lawful presence is made, the affidavit may be presumed  
7 to be proof of lawful presence for purposes of this  
8 section.

9

10 (g) Errors and significant delay by the federal  
11 systematic alien verification of entitlement program shall  
12 be reported to the United States department of homeland  
13 security and to the United States secretary of state to  
14 ensure that the application of the federal systematic alien  
15 verification of entitlement program is not wrongfully  
16 denying benefits to legal residents of this state.

17

18 **Section 2.** This act is effective July 1, 2007.

19

20 (END)