

HOUSE BILL NO. HB0207

Restrictions on public benefits.

Sponsored by: Representative(s) Jennings, Biteman, Blackburn, Clem, Court, Edwards, Gray, Halverson, Lone, Madden, McKim, Miller, Pownall, Salazar, Steinmetz and Winters and Senator(s) Dockstader and Meier

A BILL

for

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

6

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

8

9 **Section 1.** W.S. 42-11-101 and 42-11-102 are created
10 to read:

11

12

CHAPTER 11

13

RESTRICTIONS ON PUBLIC BENEFITS

14

1 **42-11-101. Definitions.**

2

3 (a) As used in this chapter:

4

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

7

8 (ii) "Federal public benefit" means as defined
9 in 8 U.S.C. § 1611(c);

10

11 (iii) "State or local public benefit" means as
12 defined in 8 U.S.C. § 1621(c).

13

14 **42-11-102. Lawful presence required for public**
15 **benefits; verification; exceptions; reporting.**

16

17 (a) Except as otherwise provided in subsection (e) of
18 this section or where exempted by federal law, any natural
19 person fourteen (14) years of age or older shall be
20 lawfully present in the United States to receive state or
21 local public benefits or federal public benefits that are
22 administered by this state.

23

1 (b) No agency or political subdivision of the state
2 shall provide any state or local public benefit or federal
3 public benefit to an applicant whose lawful presence in the
4 United States has not been verified if required pursuant to
5 this chapter.

6

7 (c) Each agency or political subdivision of the state
8 shall verify the lawful presence in the United States of
9 each natural person fourteen (14) years of age or older who
10 applies for state or local public benefits or for federal
11 public benefits that are administered by an agency or
12 political subdivision of this state for which lawful
13 presence in the United States is required by law, ordinance
14 or rule.

15

16 (d) This chapter shall be enforced without regard to
17 race, religion, gender, ethnicity or national origin.

18

19 (e) Lawful presence in the United States and
20 verification thereof shall not be required:

21

22 (i) For obtaining health care items and services
23 that are necessary for the treatment of an emergency

1 medical condition of the person involved and are not
2 related to an organ transplant procedure;

3

4 (ii) For short-term, noncash, in-kind emergency
5 disaster relief;

6

7 (iii) For public health assistance for
8 immunizations with respect to diseases and for testing and
9 treatment of symptoms of communicable diseases whether or
10 not such symptoms are caused by a communicable disease;

11

12 (iv) For prenatal care;

13

14 (v) For programs, services or assistance such as
15 soup kitchens, crisis counseling and intervention and
16 short-term shelters that:

17

18 (A) Deliver in-kind services at the
19 community level, including services through public or
20 nonprofit agencies;

21

22 (B) Do not condition the provision of
23 assistance, the amount of assistance provided or the costs

1 of assistance provided on the individual recipient's income
2 or resources; and

3

4 (C) Are necessary for the protection of
5 life or safety.

6

7 (vi) For the purpose of receiving any other
8 state or local public benefit or federal public benefit for
9 which lawful presence in the United States is not required
10 by law, ordinance or rule.

11

12 (f) Except as provided under subsection (k) of this
13 section, for verification of the lawful presence of an
14 applicant in the United States, the agency or political
15 subdivision required to make such verification shall
16 require the applicant to execute an affidavit under penalty
17 of perjury that:

18

19 (i) The applicant is a United States citizen; or

20

21 (ii) The applicant is a qualified alien under
22 the federal Immigration and Nationality Act and is lawfully
23 present in the United States.

1

2 (g) For any applicant who has executed an affidavit
3 pursuant to paragraph (f)(ii) of this section, the veracity
4 of the applicant's affidavit shall be determined through
5 the systematic alien verification of entitlement program
6 operated by the United States department of homeland
7 security or a successor program designated by the United
8 States department of homeland security. Until such
9 verification is made, an affidavit executed pursuant to
10 subsection (f) of this section may be presumed to be proof
11 of lawful presence in the United States for the purposes of
12 this section.

13

14 (h) Any person who knowingly makes a false or
15 fraudulent statement or representation in an affidavit
16 executed pursuant to subsection (f) of this section shall
17 be subject to criminal penalties under W.S. 6-5-303(a). If
18 the affidavit constitutes a false claim of United States
19 citizenship under 18 U.S.C. § 911, a complaint shall be
20 filed by the agency or political subdivision that required
21 the affidavit with the United States attorney for the
22 district in which the affidavit was executed.

23

1 (j) Errors and significant delay by the federal
2 systematic alien verification of entitlement program shall
3 be reported to the United States department of homeland
4 security and to the United States secretary of state to
5 ensure that the application of the federal systematic alien
6 verification of entitlement program is not wrongfully
7 denying benefits to legal residents of this state.

8

9 (k) In lieu of the affidavit required under
10 subsection (f) of this section, the University of Wyoming
11 and Wyoming community colleges may accept information
12 provided by an applicant on the free application for
13 federal student aid form to verify the applicant's lawful
14 presence in the United States.

15

16 **Section 2.** This act is effective July 1, 2017.

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(END)