

HOUSE BILL NO. HB0154

Restriction on public benefits.

Sponsored by: Representative(s) Jennings, Miller, Pownall,  
Salazar and Tass and Senator(s) Kinskey

A BILL

for

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

7

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

9

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

12

13

CHAPTER 11

14

RESTRICTIONS ON STATE OR LOCAL PUBLIC BENEFITS

15

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

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3           (a) As used in this chapter:

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

7

8                   (ii) "Lawfully present" or "lawful presence" means  
9 a natural person who is a United States citizen or an alien  
10 who is eligible for state or local public benefits under 8  
11 U.S.C. § 1621(a);

12

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

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16           **42-11-102. Lawful presence for state or local public**  
17 **benefits; exceptions; penalties.**

18

19           (a) Any natural person fourteen (14) years of age or  
20 older shall be lawfully present in the United States to  
21 receive state or local public benefits that are administered  
22 by an agency or political subdivision of this state, except

1 as provided in subsection (e) of this section or where  
2 exempted by law.

3

4 (b) On and after July 1, 2019, no agency or political  
5 subdivision of the state shall provide any state or local  
6 public benefit to any applicant whose lawful presence in the  
7 United States has not been verified if required pursuant to  
8 this chapter.

9

10 (c) On and after July 1, 2019, every agency and  
11 political subdivision of the state shall verify the lawful  
12 presence in the United States of any natural person fourteen  
13 (14) years of age or older who applies for state or local  
14 public benefits for which lawful presence in the United States  
15 is required by subsection (a) of this section or other law,  
16 ordinance or rule.

17

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

20

21 (e) Verification of lawful presence in the United  
22 States under subsection (c) of this section shall not be  
23 required for:

1

2           (i) Obtaining health care items and services that  
3 are necessary for the treatment of an emergency medical  
4 condition of the applicant and are not related to an organ  
5 transplant procedure;

6

7           (ii) Short-term, noncash, in-kind emergency  
8 disaster relief;

9

10           (iii) Public health assistance for immunizations  
11 with respect to diseases and for testing and treatment of  
12 symptoms of communicable diseases whether or not the symptoms  
13 are caused by a communicable disease;

14

15           (iv) Prenatal care;

16

17           (v) Programs, services or assistance such as soup  
18 kitchens, crisis counseling and intervention and short-term  
19 shelters that:

20

21           (A) Deliver in-kind services at the community  
22 level, including services through public or nonprofit  
23 agencies;

1

2 (B) Do not condition the provision of  
3 assistance, the amount of assistance provided or the costs of  
4 assistance provided on the individual recipient's income or  
5 resources; and

6

7 (C) Are necessary for the protection of life  
8 or safety.

9

10 (vi) For the purpose of receiving any other public  
11 benefit for which lawful presence in the United States is not  
12 required by law, ordinance or rule.

13

14 (f) An agency or political subdivision of the state may  
15 use any of the following to verify that an applicant is  
16 lawfully present in the United States if required by this  
17 chapter:

18

19 (i) An affidavit executed by the applicant under  
20 penalty of perjury attesting that the applicant is:

21

22 (A) A United States citizen; or

23

1 (B) Lawfully present in the United States.

2

3 (ii) A Wyoming driver's license or a Wyoming  
4 identification card;

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6 (iii) A United States military card or a military  
7 dependent's identification card;

8

9 (iv) A United States coast guard merchant mariner  
10 card;

11

12 (v) A tribal identification card;

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14 (vi) A valid United States passport;

15

16 (vii) For the University of Wyoming and Wyoming  
17 community colleges, the information provided by an applicant  
18 on the free application for federal student aid form.

19

20 (g) For any applicant who has executed an affidavit  
21 pursuant to paragraph (f)(i) of this section, the veracity of  
22 the applicant's affidavit shall be determined through the  
23 systematic alien verification of entitlement program operated

1 by the United States department of homeland security or a  
2 successor program designated by the United States department  
3 of homeland security. Until the verification is made, the  
4 affidavit may be presumed to be proof of lawful presence in  
5 the United States for the purposes of this chapter.

6

7 (h) Any person who:

8

9 (i) Intentionally uses false documents to conceal  
10 the person's true identity, citizenship or resident alien  
11 status to obtain access to public resources or services under  
12 this chapter shall be subject to criminal penalties under  
13 W.S. 6-3-615;

14

15 (ii) Knowingly makes a false or fraudulent  
16 statement or representation in an affidavit executed pursuant  
17 to paragraph (f)(i) of this section shall be subject to  
18 criminal penalties under W.S. 6-5-303(a).

19

20 (j) Any agency or political subdivision of the state  
21 that has probable cause to believe an applicant for state or  
22 local public benefits has unlawfully represented himself to  
23 be a citizen of the United States in violation of 18 U.S.C.

1 § 911 shall file a complaint with the United States attorney  
2 for Wyoming.

3

4 (k) Errors and significant delay by the federal  
5 systematic alien verification of entitlement program shall be  
6 reported to the United States department of homeland security  
7 and to the United States secretary of state to ensure that  
8 the application of the federal systematic alien verification  
9 of entitlement program is not wrongfully denying state or  
10 local public benefits to a person lawfully present in the  
11 United States.

12

13 **Section 2.** This act is effective July 1, 2019.

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(END)