

119 (b) graduated from a high school in this state or received the equivalent of a high
120 school diploma in this state; and

121 (c) registers as an entering student at an institution of higher education not earlier than
122 the fall of the 2002-03 academic year.

123 (2) In addition to the requirements under Subsection (1), a student without lawful
124 immigration status shall file an affidavit with the institution of higher education stating that the
125 student has filed an application to legalize ~~[his]~~ the student's immigration status, or will file an
126 application as soon as ~~[he]~~ the student is eligible to do so.

127 (3) The State Board of Regents shall make rules for the implementation of this section.

128 (4) Nothing in this section limits the ability of institutions of higher education to assess
129 nonresident tuition on students who do not meet the requirements under this section.

130 (5) ~~§→ [(a)] ←§~~ Beginning on the program start date, as defined in Section 63G-12-102, §→ [in
131 addition to complying with] notwithstanding ←§ Subsections (1) and (2), §→ [to be] a student is ←§
131a exempt from paying the nonresident

132 portion of total tuition §→ [a student shall] if the student ←§ :

133 ~~§→ [(i) be] (a) is ←§~~ the child of a person who holds a guest worker permit, as defined in Section
134 63G-12-102; or

135 ~~§→ [(ii) hold] (b) holds ←§~~ a permit, as defined in Section 63G-12-102.

136 ~~§→ [(b) If the day before the program start date a student is exempt from paying the~~
137 ~~nonresident portion of total tuition, but is not exempt under Subsection (5)(a), the student loses~~
138 ~~the exemption as of the first day of the term or semester immediately following the program~~
139 ~~start date.] ←§~~

140 Section 2. Section **63G-2-206** is amended to read:

141 **63G-2-206. Sharing records.**

142 (1) A governmental entity may provide a record that is private, controlled, or protected
143 to another governmental entity, a government-managed corporation, a political subdivision, the
144 federal government, or another state if the requesting entity:

145 (a) serves as a repository or archives for purposes of historical preservation,
146 administrative maintenance, or destruction;

147 (b) enforces, litigates, or investigates civil, criminal, or administrative law, and the
148 record is necessary to a proceeding or investigation;

149 (c) is authorized by state statute to conduct an audit and the record is needed for that

522 As used in this chapter:

523 (1) "Basic health insurance plan" means a health plan that is actuarially equivalent to a
524 federally qualified high deductible health plan.

525 (2) "Department" means the ~~§~~ → [Department of Workforce Services created in Section
526 35A-1-103] Department of Public Safety created in Section 53-1-103 ← ~~§~~ .

527 (3) "Employee" means an individual employed by an employer under a contract for
528 hire.

529 (4) "Employer" means a person who has one or more employees employed in the same
530 business, or in or about the same establishment, under any contract of hire, express or implied,
531 oral or written.

532 (5) "E-verify program" means the electronic verification of the work authorization
533 program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, 8
534 U.S.C. Sec. 1324a, known as the e-verify program;

535 (6) "Family member" means for an undocumented individual:

536 (a) a member of the undocumented individual's immediate family;

537 (b) the undocumented individual's grandparent;

538 (c) the undocumented individual's sibling;

539 (d) the undocumented individual's grandchild;

540 (e) the undocumented individual's nephew;

541 (f) the undocumented individual's niece;

542 (g) a spouse of an individual described in this Subsection (6); or

543 (h) an individual who is similar to one listed in this Subsection (6).

544 (7) "Federal SAVE program" means the Systematic Alien Verification for Entitlements
545 Program operated by the United States Department of Homeland Security or an equivalent
546 program designated by the Department of Homeland Security.

547 (8) "Guest worker" means an undocumented individual who holds a guest worker
548 permit.

549 (9) "Guest worker permit" means a permit issued in accordance with Section
550 63G-12-207 to an undocumented individual who meets the eligibility criteria of Section
551 63G-12-205.

552 (10) "Immediate family" means for an undocumented individual:

- 956 (3) For a violation described in Subsections (1) and (2), the department may:
- 957 (a) suspend, limit, or revoke and repossess a permit;
- 958 (b) impose a civil penalty not to exceed \$750 for each violation; or
- 959 (c) take a combination of actions under this section.
- 960 (4) A person is guilty of a class B misdemeanor if the person:
- 961 (a) furnishes false or forged information or documentation in support of an application;
- 962 or
- 963 (b) alters the information on a permit.

Section 21. Section **63G-12-212** is enacted to read:

63G-12-212. Sharing of information related to enforcement.

- 966 (1) The department shall provide the notice described in Subsection (2), if the
- 967 department determines that an undocumented individual:
- 968 (a) has the undocumented individual's permit revoked; or
- 969 (b) permits the undocumented individual's permit to expire and the department has
- 970 reason to believe that the undocumented individual continues to reside in the state.

(2) (a) The department shall provide the notice required by Subsection (1) to:

- 971 (i) Utah's attorney general; ~~§~~→ and
- 972 ~~[(ii) the Department of Public Safety; and~~
- 973 ~~[(iii)] (ii) ←§ United States Immigration and Customs Enforcement.~~

- 974 (b) The notice described in Subsection (2)(a) shall:
- 975 (i) include:
- 976 (A) the last known address of the undocumented individual; and
- 977 (B) the basis of the notice described in Subsection (1); and
- 978 (ii) be sent promptly after the day on which the time to appeal, if any, the action that is
- 979 the basis for the notification under Subsection (1) ends.

Section 22. Section **63G-12-301** is enacted to read:

Part 3. Employee Verification and Employer Sanctions

63G-12-301. Employing unauthorized alien -- Verification of employment eligibility.

- 985 (1) On and after the program start date, an employer may not knowingly employ an
- 986 unauthorized alien who does not hold a permit.

1576 (b) is issued by a federal, state, or local governmental agency that requires proof or
 1577 verification of legal presence in the United States as a condition of issuance of the document.

1578 Section 37. Section **76-9-1005** is enacted to read:

1579 **76-9-1005. Implementation to be consistent with federal law and civil rights.**

1580 A state or local agency shall implement this part in a manner that is consistent with
 1581 federal laws that regulate immigration, protect the civil rights of all persons, and establish the
 1582 privileges and immunities of United States citizens.

1583 Section 38. Section **76-10-2901** is amended to read:

1584 **76-10-2901. Transporting or harboring aliens -- Definition -- Penalty.**

1585 (1) ~~[For purposes of]~~ As used in this part[;]:

1586 (a) Except as provided in Subsection (1)(b), "alien" means an individual who is
 1587 illegally present in the United States.

1588 (b) On or after the program start date, as defined in Section 63G-12-102, "alien" does
 1589 not include an individual who holds a valid permit, as defined in Section 63G-12-102.

1590 (2) It is unlawful for a person to:

1591 (a) transport, move, or attempt to transport into this state or for a distance of greater
 1592 than 100 miles within the state an alien for commercial advantage or private financial gain,
 1593 knowing or in reckless disregard of the fact that the alien is in the United States in violation of
 1594 federal law, in furtherance of the illegal presence of the alien in the United States; ~~[or]~~

1595 (b) knowingly, with the intent to violate federal immigration law, conceal, harbor, or
 1596 shelter from detection an alien in a place within this state, including a building or means of
 1597 transportation for commercial advantage or private financial gain, knowing or in reckless
 1598 disregard of the fact that the alien is in the United States in violation of federal law[;];

1599 (c) encourage or induce an alien to come to, enter, or reside in this state, knowing or in
 1600 reckless disregard of the fact that the alien's coming to, entry, or residence is or will be in
 1601 violation of law; or

1602 (d) engage in a conspiracy, for commercial advantage or private financial gain, to
 1603 commit ~~§~~ **→ [an offense] any of the offenses ←** ~~§~~ listed in this Subsection (2).

1604 (3) (a) A person who violates Subsection (2)(a), (c), or (d) is guilty of a third degree
 1605 felony.

1606 (b) A person who violates Subsection (2)(b) is guilty of a class A misdemeanor.