

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill coordinates with H.B. ~~§~~→ [70,] 497, Utah ~~←~~§ Illegal Immigration Enforcement

31a Act, to make

32 substantive amendments.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **63G-11-102**, as last amended by Laws of Utah 2010, Chapter 281

36 ENACTS:

37 **63G-12-101**, Utah Code Annotated 1953

38 **63G-12-102**, Utah Code Annotated 1953

39 **63G-12-201**, Utah Code Annotated 1953

40 **63G-12-202**, Utah Code Annotated 1953

41 **63G-12-203**, Utah Code Annotated 1953

42 **63G-12-204**, Utah Code Annotated 1953

43 **63G-12-205**, Utah Code Annotated 1953

44 **63G-12-206**, Utah Code Annotated 1953

45 **63G-12-301**, Utah Code Annotated 1953

46 **63G-12-302**, Utah Code Annotated 1953

47 **Utah Code Sections Affected by Coordination Clause:**

48 **76-9-1004**, Utah Code Annotated 1953

49 **76-10-2901**, as enacted by Laws of Utah 2008, Chapter 26



51 *Be it enacted by the Legislature of the state of Utah:*

52 Section 1. Section **63G-11-102** is amended to read:

53 **63G-11-102. Creation of identity documents -- Issuance to citizens, nationals, and**  
54 **legal permanent resident aliens -- Exceptions.**

55 (1) The following entities may create, publish, or otherwise manufacture an  
56 identification document, identification card, or identification certificate and possess an  
57 engraved plate or other device for the printing of an identification document:

58 (a) a federal, state, or local government agency for employee identification, which is

121 This chapter is known as the "Utah Pilot Sponsored Resident Immigrant Program Act."

122 Section 3. Section **63G-12-102** is enacted to read:

123 **63G-12-102. Definitions.**

124 (1) "Department" means the Department of Public Safety created in Section 53-1-103.

125 (2) ~~H~~→ (a) ~~H~~ "Foreign national" ~~H~~→ [is] , except as provided in Subsection (2)(b),  
 125a means ~~H~~ an individual who is a citizen of a foreign country.

125b ~~H~~→ (b) "Foreign national" does not include an individual who is in the United States, but  
 125c who is not lawfully present in any of the states of the United States. ~~H~~

126 (3) "Permit" means an identification permit issued in accordance with Section  
 127 63G-12-204.

128 (4) "Program" means the Utah Pilot Sponsored Resident Immigrant Program created in  
 129 Section 63G-12-201.

130 (5) "Resident immigrant" means an individual who:

131 (a) is a foreign national; and

132 (b) is accepted into the program in accordance with Section 63G-12-202.

133 (6) "Sponsor" means an individual who agrees to sponsor a foreign national under the  
 134 program in accordance with Section 63G-12-203.

135 Section 4. Section **63G-12-201** is enacted to read:

136 **Part 2. Utah Pilot Sponsored Resident Immigrant Program**

137 **63G-12-201. Creation of program.**

138 (1) (a) The governor shall create a program known as the "Utah Pilot Sponsored  
 139 Resident Immigrant Program":

140 (i) that is consistent with this chapter; and

141 (ii) under which a resident immigrant may reside, work, and study in Utah, except that  
 142 the program may not permit a resident immigrant to travel outside of the state except as  
 143 provided in Subsection 63G-12-206(1).

144 (b) The governor shall:

145 (i) begin implementation of the program by no later than July 1, 2013; and

146 (ii) end operation of the program on June 30, 2018.

147 (c) Under the program, the governor may facilitate transport to Utah for a foreign  
 148 national who has been accepted into the program.

149 (d) The governor may recommend legislation to the Legislature to address how a  
 150 resident immigrant is to be treated under statutes that relate to an alien.

151 (2) The department shall administer the program, except to the extent that the governor

152 delegates a power or duty under the program to another state agency. Subject to Subsection  
 153 (3), the department may make rules in accordance with Chapter 3, Utah Administrative  
 154 Rulemaking Act, to implement the program to the extent expressly provided for in this chapter.

155 (3) The governor may act by executive order whenever the department is authorized to  
 156 make rules under this chapter. If there is a conflict between a rule made by the department and  
 157 an executive order of the governor, the executive order governs.

158 Section 5. Section **63G-12-202** is enacted to read:

159 **63G-12-202. Approval as a resident immigrant -- Sponsorship -- Ineligibility.**

160 (1) To be considered for approval as a resident immigrant for purposes of the program,  
 161 a foreign national shall:

162 (a) file an application with the department;

162a **H→ (b) at the time of filing the application be living outside of the United States;**

163 ~~[(b)] (c) ←H~~ pass a health and background screening;

164 **H→ ~~[(c)] (d) ←H~~ provide evidence that the foreign national has not been convicted of,**  
 164a pled guilty to,

165 pled no contest to, pled guilty in a similar manner to, or resolved by diversion or its equivalent  
 166 to a felony or class A misdemeanor;

167 **H→ ~~[(d)] (e) ←H~~ file proof of sponsorship by a sponsor who meets the**  
 167a requirements of Section

168 63G-12-203; and

169 **H→ ~~[(e)] (f) ←H~~ pay a fee established by the department in accordance with**  
 169a Section 63J-1-504.

170 (2) A foreign national is ineligible for the program if the individual **H→** :

170a **(a) is in the United States at the time of application for the program; or**

170b **(b) ←H is a citizen of a**

171 country:

172 **H→ ~~[(a)] (i) ←H~~ designated by the United States State Department as a state sponsor of**  
 172a terrorism in

173 accordance with section 6(j) of the Export Administration Act, section 40 of the Arms Export  
 174 Control Act, and section 620A of the Foreign Assistance Act;

175 **H→ ~~[(b)] (ii) ←H~~ against which the United States has declared war; or**

176 **H→ ~~[(c)] (iii) ←H~~ against which the United States has imposed sanctions as**  
 176a listed under a sanctions

177 program of the Office of Foreign Assets Control within the United States Department of  
 178 Treasury.

179 (3) A foreign national may appeal the denial of participation in the program as a  
 180 resident immigrant in accordance with Chapter 4, Administrative Procedures Act.

181 (4) (a) The department, in consultation with the governor, shall make rules in  
 182 accordance with Chapter 3, Utah Administrative Rulemaking Act, that provide:

276 immigrant that are consistent with this chapter.

277 Section 10. Section **63G-12-301** is enacted to read:

278 **Part 3. Enforcement**

279 **63G-12-301. Disqualification from program.**

280 (1) A resident immigrant is disqualified from the program if after becoming a resident  
281 immigrant the individual:

282 (a) is convicted of, pleads guilty to, pleads no contest to, pleads guilty in a similar  
283 manner to, or is resolved by diversion or its equivalent to a felony or class A misdemeanor; or

284 (b) violates the terms and restrictions of the program.

285 (2) In accordance with Chapter 4, Administrative Procedures Act, the department may  
286 bring an action to terminate a resident immigrant's participation in the program for a violation  
287 described in Subsection (1).

288 Section 11. Section **63G-12-302** is enacted to read:

289 **63G-12-302. Penalties on sponsors.**

290 In accordance with Chapter 4, Administrative Procedures Act, the department may:

291 (1) impose a fine on a sponsor who violates Subsection 63G-12-203(5) not to exceed  
292 \$5,000; and

293 (2) prohibit a sponsor from sponsoring another resident alien for a period of five years  
294 for a violation described in Subsection 63G-12-203(3)(b).

295 Section 12. **Coordinates H.B. 469 with H.B. 70 -- Substantive amendments.**

296 If this H.B. 469 and H.B. ~~§~~→ [70,] 497, Utah ~~←~~§ Illegal Immigration Enforcement Act,  
296a both pass, it is the  
297 intent of the Legislature that the Office of Legislative Research and General Counsel make the  
298 following changes:

299 (1) delete the "or" at the end of Subsection 76-9-1004(1) ~~§~~→ [(d)] (c) ~~←~~§ enacted in H.B.  
299a ~~§~~→ [70] 497 ~~←~~§ ;

300 (2) delete the "." and insert "; or" at the end of Subsection 76-9-1004(1) ~~§~~→ [(e)] (d) ~~←~~§  
300a enacted in

301 H.B. ~~§~~→ [70] 497 ~~←~~§ ;

302 (3) insert a new Subsection (1) ~~§~~→ [(f)] (e) ~~←~~§ in Section 76-9-1004 enacted in H.B.  
302a ~~§~~→ [70] 497 ~~←~~§ that reads:

303 " ~~§~~→ [(f)] (e) ~~←~~§ a valid resident immigrant permit issued under Section 63G-12-204."; and

304 (4) insert a new Subsection (6) in Section 76-10-2901 amended in H.B. ~~§~~→ [70] 497 ~~←~~§ that  
304a reads:

305 "(6) An individual's participation in Title 63G, Chapter 12, Utah Pilot Sponsored  
306 Resident Immigrant Program Act, either as a sponsor or resident alien does not constitute