



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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February 11, 2011

Madam Speaker:

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 70, ILLEGAL IMMIGRATION ENFORCEMENT ACT**, by Representative S. Sandstrom, with the following amendments:

1. *Page 4, Line 108:*

108           (3) "Law enforcement officer" has the same meaning as in Section 53-13-103.  
                  (4) "Reasonable suspicion" is based on a peace officer who is acting under Subsection 76-9-1003(1) determining that a person is unable to provide any of the documents listed in Subsection 76-9-1004(1).

2. *Page 4, Lines 109 through 113:*

109           ~~{(4)}~~   (5)   "SAVE program" means the federal Systematic Alien Verification  
                  for Entitlements  
110           program operated by the federal Department of Homeland Security.  
111           ~~{(5)}~~   (6)   "State or local governmental agency" includes any private  
                  contractor or vendor that  
112           contracts with the agency to provide the agency's functions or services.  
113           ~~{(6)}~~   (7)   "Verify immigration status" or "verification of immigration status"  
                  means the

3. *Page 5, Line 121:*

121           (1) (a) ~~{When}~~   Except as provided in Subsections (1)(b), (c), or (d), any  
                  law enforcement officer acting in the enforcement of any state law or

4. *Page 5, Lines 124 through 125:*

124           the officer :  
                  (i) shall ~~{attempt to verify}~~ request verification of the citizenship or the  
                  immigration status of the person under 8 U.S.C. 1373(c) , except as allowed

Bill Number



HB0070

Action Class



H

Action Code



HCRAMD

under  
125 Subsection (1)(b) ~~{-or}~~ , (c) , or (d), if the alleged offense is a class A misdemeanor or a felony; and  
(ii) may attempt to verify the immigration status of the person, except as exempted under Subsections (1)(b), (c), or (d), if the alleged offense is a class B or class C misdemeanor, except that if the person is arrested and booked for a class B or C misdemeanor, the arresting law enforcement officer or the law enforcement agency booking the person shall attempt to verify the immigration status of the person .

5. *Page 5, Line 130:*

130 school resource officer for any elementary or secondary school.  
(d) Subsection (1)(a) does not apply to a county or municipality when it has only one law enforcement officer on duty and response support from another law enforcement agency is not available.

6. *Page 6, Lines 156 through 157:*

156 (a) a valid Utah driver license issued on or after January 1, 2010 ;  
157 (b) a valid Utah identification card issued under Section 53-3-804 and issued on or after January 1, 2010 ;

7. *Page 6, Line 159:*

159 that includes photo identification: ~~{-or}~~ =

8. *Page 6, Line 163:*

163 verification of legal presence in the United States as a condition of issuance of the document ; or  
(e) a Utah permit to carry a concealed firearm .

9. *Page 8, Line 217:*

Bill Number  
  
HB0070

Action Class  
  
H

Action Code  
  
HCRAMD

(c) The signature under this Subsection (1) may be executed in person or electronically.

217        ~~{(c)}~~ - ~~{(f)}~~    (d) When an applicant who is a qualified alien has  
executed the certificate under this

10. Page 8, Lines 221 through 222:

221        ~~{(ii) Until eligibility verification is made, the certificate may be presumed to~~  
~~be proof of~~  
222    ~~lawful presence for the purposes of this section.~~}

11. Page 8, Lines 237 through 240:

237        (6) If an agency under Subsection (1) ~~{determines it has reasonable~~  
~~suspicion}~~    receives verification that a  
238    person making an application for any benefit, service, or license ~~{has violated or~~  
~~attempted to~~  
239    ~~violate any fraud provision of the Utah Code}~~    is not a qualified alien , the agency  
shall provide the information to the  
240    local law enforcement agency unless prohibited by federal mandate .

1. Page 9, Lines 271 through 273:

271        (2) It is unlawful for a person to:  
272        (a) transport, move, or attempt to transport into this state or ~~[or for a distance of~~  
greater  
273    ~~than 100 miles]~~ within the state an alien for commercial advantage or private financial  
gain,

Respectfully,

Curtis Oda  
Committee Chair

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Bill Number



HB0070

Action Class



H

Action Code



HCRAMD

H.B. 70  
Law Enforcement and Criminal Justice Committee Report  
February 11, 2011 - Page 4

3 HB0070.HC1.WPD 2/11/11 5:30 pm /SES SCA/SES

*Bill Number*



HB0070

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