

**UTAH IMMIGRATION ACCOUNTABILITY AND
ENFORCEMENT**

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies general government provisions, oversight provisions, and criminal provisions to repeal a guest worker program, and certain e-verify requirements, and amends related provisions.

Highlighted Provisions:

This bill:

- ▶ repeals the Utah Immigration Accountability and Enforcement Act, except for provisions that existed before the enactment of that act, and removes related cross references;
- ▶ renames the chapter to "Identification and Verification";
- ▶ modifies the provision concerning the receipt of state, local, or federal public benefits;
- ▶ renumbers and amends the provision regarding public employers and contractors;
- ▶ removes the repeal date of the Private Employer Verification Act;
- ▶ removes from the list of nonlapsing funds and accounts the Immigration Act

Restricted Account;

- ▶ removes the Identity Theft Victims Restricted Account; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **63G-2-206**, as last amended by Laws of Utah 2011, Chapter 18

34 **63G-2-305**, as last amended by Laws of Utah 2011, Chapters 18, 46, 55, 80, 151, and
35 161

36 **63G-12-101**, as enacted by Laws of Utah 2011, Chapter 18

37 **63G-12-401**, as last amended by Laws of Utah 2011, Chapter 20 and renumbered and
38 amended by Laws of Utah 2011, Chapter 18

39 **63G-12-402**, as last amended by Laws of Utah 2011, Chapter 413 and renumbered and
40 amended by Laws of Utah 2011, Chapter 18

41 **63I-2-213**, as enacted by Laws of Utah 2011, Chapter 18

42 **63J-1-602.4**, as last amended by Laws of Utah 2011, Chapters 18, 303, 338, and 438

43 **67-5-22.7**, as last amended by Laws of Utah 2011, Chapter 18

44 **76-10-2901**, as last amended by Laws of Utah 2011, Chapters 18, 21 and last amended
45 by Coordination Clause, Laws of Utah 2011, Chapter 20

46 RENUMBERS AND AMENDS:

47 **63G-12-403**, (Renumbered from 63G-12-302, as renumbered and amended by Laws of
48 Utah 2011, Chapter 18)

49 REPEALS:

50 **63G-12-102**, as enacted by Laws of Utah 2011, Chapter 18

51 **63G-12-103**, as enacted by Laws of Utah 2011, Chapter 18

52 **63G-12-104**, as enacted by Laws of Utah 2011, Chapter 18

53 **63G-12-105**, as enacted by Laws of Utah 2011, Chapter 18

54 **63G-12-106**, as enacted by Laws of Utah 2011, Chapter 18

55 **63G-12-201**, as enacted by Laws of Utah 2011, Chapter 18

56 **63G-12-202**, as enacted by Laws of Utah 2011, Chapter 18

57 **63G-12-203**, as enacted by Laws of Utah 2011, Chapter 18

58 **63G-12-204**, as enacted by Laws of Utah 2011, Chapter 18

- 59 **63G-12-205**, as enacted by Laws of Utah 2011, Chapter 18
- 60 **63G-12-206**, as enacted by Laws of Utah 2011, Chapter 18
- 61 **63G-12-207**, as enacted by Laws of Utah 2011, Chapter 18
- 62 **63G-12-208**, as enacted by Laws of Utah 2011, Chapter 18
- 63 **63G-12-209**, as enacted by Laws of Utah 2011, Chapter 18
- 64 **63G-12-210**, as enacted by Laws of Utah 2011, Chapter 18
- 65 **63G-12-211**, as enacted by Laws of Utah 2011, Chapter 18
- 66 **63G-12-212**, as enacted by Laws of Utah 2011, Chapter 18
- 67 **63G-12-301**, as enacted by Laws of Utah 2011, Chapter 18
- 68 **63G-12-303**, as enacted by Laws of Utah 2011, Chapter 18
- 69 **63G-12-304**, as enacted by Laws of Utah 2011, Chapter 18
- 70 **63G-12-305**, as enacted by Laws of Utah 2011, Chapter 18
- 71 **63G-12-306**, as enacted by Laws of Utah 2011, Chapter 18



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

74 Section 1. Section **63G-2-206** is amended to read:

75 **63G-2-206. Sharing records.**

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

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

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

83 (c) is authorized by state statute to conduct an audit and the record is needed for that
84 purpose;

85 (d) is one that collects information for presentence, probationary, or parole purposes; or

86 (e) (i) is:

87 (A) the Legislature;

88 (B) a legislative committee;

89 (C) a member of the Legislature; or

90 (D) a legislative staff member acting at the request of the Legislature, a legislative
91 committee, or a member of the Legislature; and

92 (ii) requests the record in relation to the Legislature's duties including:

93 (A) the preparation or review of a legislative proposal or legislation;

94 (B) appropriations; or

95 (C) an investigation or review conducted by the Legislature or a legislative committee.

96 (2) (a) A governmental entity may provide a private, controlled, or protected record or
97 record series to another governmental entity, a political subdivision, a government-managed
98 corporation, the federal government, or another state if the requesting entity provides written
99 assurance:

100 (i) that the record or record series is necessary to the performance of the governmental
101 entity's duties and functions;

102 (ii) that the record or record series will be used for a purpose similar to the purpose for
103 which the information in the record or record series was collected or obtained; and

104 (iii) that the use of the record or record series produces a public benefit that outweighs
105 the individual privacy right that protects the record or record series.

106 (b) A governmental entity may provide a private, controlled, or protected record or
107 record series to a contractor or a private provider according to the requirements of Subsection
108 (6)(b).

109 (3) (a) A governmental entity shall provide a private, controlled, or protected record to
110 another governmental entity, a political subdivision, a government-managed corporation, the
111 federal government, or another state if the requesting entity:

112 (i) is entitled by law to inspect the record;

113 (ii) is required to inspect the record as a condition of participating in a state or federal
114 program or for receiving state or federal funds; or

115 (iii) is an entity described in Subsection (1)(a), (b), (c), (d), or (e).

116 (b) Subsection (3)(a)(iii) applies only if the record is a record described in Subsection
117 63G-2-305(4).

118 (4) Before disclosing a record or record series under this section to another
119 governmental entity, another state, the United States, a foreign government, or to a contractor
120 or private provider, the originating governmental entity shall:

121 (a) inform the recipient of the record's classification and the accompanying restrictions
122 on access; and

123 (b) if the recipient is not a governmental entity to which this chapter applies, obtain the
124 recipient's written agreement which may be by mechanical or electronic transmission that it
125 will abide by those restrictions on access unless a statute, federal regulation, or interstate
126 agreement otherwise governs the sharing of the record or record series.

127 (5) A governmental entity may disclose a record to another state, the United States, or a
128 foreign government for the reasons listed in Subsections (1) and (2) without complying with
129 the procedures of Subsection (2) or (4) if disclosure is authorized by executive agreement,
130 treaty, federal statute, compact, federal regulation, or state statute.

131 (6) (a) Subject to Subsections (6)(b) and (c), an entity receiving a record under this
132 section is subject to the same restrictions on disclosure of the record as the originating entity.

133 (b) A contractor or a private provider may receive information under this section only
134 if:

135 (i) the contractor or private provider's use of the record or record series produces a
136 public benefit that outweighs the individual privacy right that protects the record or record
137 series;

138 (ii) the record or record series it requests:

139 (A) is necessary for the performance of a contract with a governmental entity;

140 (B) will only be used for the performance of the contract with the governmental entity;

141 (C) will not be disclosed to any other person; and

142 (D) will not be used for advertising or solicitation purposes; and

143 (iii) the contractor or private provider gives written assurance to the governmental
144 entity that is providing the record or record series that it will adhere to the restrictions of this
145 Subsection (6)(b).

146 (c) The classification of a record already held by a governmental entity and the
147 applicable restrictions on disclosure of that record are not affected by the governmental entity's
148 receipt under this section of a record with a different classification that contains information
149 that is also included in the previously held record.

150 (7) Notwithstanding any other provision of this section, if a more specific court rule or
151 order, state statute, federal statute, or federal regulation prohibits or requires sharing

152 information, that rule, order, statute, or federal regulation controls.

153 (8) The following records may not be shared under this section:

154 (a) records held by the Division of Oil, Gas, and Mining that pertain to any person and
155 that are gathered under authority of Title 40, Chapter 6, Board and Division of Oil, Gas, and
156 Mining; and

157 (b) records of publicly funded libraries as described in Subsection 63G-2-302(1)(c)[;
158 ~~and~~].

159 [~~(c) a record described in Section 63G-12-210.~~]

160 (9) Records that may evidence or relate to a violation of law may be disclosed to a
161 government prosecutor, peace officer, or auditor.

162 Section 2. Section **63G-2-305** is amended to read:

163 **63G-2-305. Protected records.**

164 The following records are protected if properly classified by a governmental entity:

165 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret
166 has provided the governmental entity with the information specified in Section 63G-2-309;

167 (2) commercial information or nonindividual financial information obtained from a
168 person if:

169 (a) disclosure of the information could reasonably be expected to result in unfair
170 competitive injury to the person submitting the information or would impair the ability of the
171 governmental entity to obtain necessary information in the future;

172 (b) the person submitting the information has a greater interest in prohibiting access
173 than the public in obtaining access; and

174 (c) the person submitting the information has provided the governmental entity with
175 the information specified in Section 63G-2-309;

176 (3) commercial or financial information acquired or prepared by a governmental entity
177 to the extent that disclosure would lead to financial speculations in currencies, securities, or
178 commodities that will interfere with a planned transaction by the governmental entity or cause
179 substantial financial injury to the governmental entity or state economy;

180 (4) records the disclosure of which could cause commercial injury to, or confer a
181 competitive advantage upon a potential or actual competitor of, a commercial project entity as
182 defined in Subsection 11-13-103(4);

183 (5) test questions and answers to be used in future license, certification, registration,
184 employment, or academic examinations;

185 (6) records the disclosure of which would impair governmental procurement
186 proceedings or give an unfair advantage to any person proposing to enter into a contract or
187 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
188 Subsection (6) does not restrict the right of a person to have access to, once the contract or
189 grant has been awarded, a bid, proposal, or application submitted to or by a governmental
190 entity in response to:

191 (a) a request for bids;

192 (b) a request for proposals;

193 (c) a grant; or

194 (d) other similar document;

195 (7) records that would identify real property or the appraisal or estimated value of real
196 or personal property, including intellectual property, under consideration for public acquisition
197 before any rights to the property are acquired unless:

198 (a) public interest in obtaining access to the information outweighs the governmental
199 entity's need to acquire the property on the best terms possible;

200 (b) the information has already been disclosed to persons not employed by or under a
201 duty of confidentiality to the entity;

202 (c) in the case of records that would identify property, potential sellers of the described
203 property have already learned of the governmental entity's plans to acquire the property;

204 (d) in the case of records that would identify the appraisal or estimated value of
205 property, the potential sellers have already learned of the governmental entity's estimated value
206 of the property; or

207 (e) the property under consideration for public acquisition is a single family residence
208 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
209 the property as required under Section 78B-6-505;

210 (8) records prepared in contemplation of sale, exchange, lease, rental, or other
211 compensated transaction of real or personal property including intellectual property, which, if
212 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
213 of the subject property, unless:

214 (a) the public interest in access outweighs the interests in restricting access, including
215 the governmental entity's interest in maximizing the financial benefit of the transaction; or

216 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
217 the value of the subject property have already been disclosed to persons not employed by or
218 under a duty of confidentiality to the entity;

219 (9) records created or maintained for civil, criminal, or administrative enforcement
220 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
221 release of the records:

222 (a) reasonably could be expected to interfere with investigations undertaken for
223 enforcement, discipline, licensing, certification, or registration purposes;

224 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
225 proceedings;

226 (c) would create a danger of depriving a person of a right to a fair trial or impartial
227 hearing;

228 (d) reasonably could be expected to disclose the identity of a source who is not
229 generally known outside of government and, in the case of a record compiled in the course of
230 an investigation, disclose information furnished by a source not generally known outside of
231 government if disclosure would compromise the source; or

232 (e) reasonably could be expected to disclose investigative or audit techniques,
233 procedures, policies, or orders not generally known outside of government if disclosure would
234 interfere with enforcement or audit efforts;

235 (10) records the disclosure of which would jeopardize the life or safety of an
236 individual;

237 (11) records the disclosure of which would jeopardize the security of governmental
238 property, governmental programs, or governmental recordkeeping systems from damage, theft,
239 or other appropriation or use contrary to law or public policy;

240 (12) records that, if disclosed, would jeopardize the security or safety of a correctional
241 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
242 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

243 (13) records that, if disclosed, would reveal recommendations made to the Board of
244 Pardons and Parole by an employee of or contractor for the Department of Corrections, the

245 Board of Pardons and Parole, or the Department of Human Services that are based on the
246 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
247 jurisdiction;

248 (14) records and audit workpapers that identify audit, collection, and operational
249 procedures and methods used by the State Tax Commission, if disclosure would interfere with
250 audits or collections;

251 (15) records of a governmental audit agency relating to an ongoing or planned audit
252 until the final audit is released;

253 (16) records prepared by or on behalf of a governmental entity solely in anticipation of
254 litigation that are not available under the rules of discovery;

255 (17) records disclosing an attorney's work product, including the mental impressions or
256 legal theories of an attorney or other representative of a governmental entity concerning
257 litigation;

258 (18) records of communications between a governmental entity and an attorney
259 representing, retained, or employed by the governmental entity if the communications would be
260 privileged as provided in Section 78B-1-137;

261 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
262 from a member of the Legislature; and

263 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
264 legislative action or policy may not be classified as protected under this section; and

265 (b) (i) an internal communication that is part of the deliberative process in connection
266 with the preparation of legislation between:

267 (A) members of a legislative body;

268 (B) a member of a legislative body and a member of the legislative body's staff; or

269 (C) members of a legislative body's staff; and

270 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
271 legislative action or policy may not be classified as protected under this section;

272 (20) (a) records in the custody or control of the Office of Legislative Research and
273 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
274 legislation or contemplated course of action before the legislator has elected to support the
275 legislation or course of action, or made the legislation or course of action public; and

276 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
277 Office of Legislative Research and General Counsel is a public document unless a legislator
278 asks that the records requesting the legislation be maintained as protected records until such
279 time as the legislator elects to make the legislation or course of action public;

280 (21) research requests from legislators to the Office of Legislative Research and
281 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
282 in response to these requests;

283 (22) drafts, unless otherwise classified as public;

284 (23) records concerning a governmental entity's strategy about collective bargaining or
285 pending litigation;

286 (24) records of investigations of loss occurrences and analyses of loss occurrences that
287 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
288 Uninsured Employers' Fund, or similar divisions in other governmental entities;

289 (25) records, other than personnel evaluations, that contain a personal recommendation
290 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
291 personal privacy, or disclosure is not in the public interest;

292 (26) records that reveal the location of historic, prehistoric, paleontological, or
293 biological resources that if known would jeopardize the security of those resources or of
294 valuable historic, scientific, educational, or cultural information;

295 (27) records of independent state agencies if the disclosure of the records would
296 conflict with the fiduciary obligations of the agency;

297 (28) records of an institution within the state system of higher education defined in
298 Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
299 retention decisions, and promotions, which could be properly discussed in a meeting closed in
300 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
301 the final decisions about tenure, appointments, retention, promotions, or those students
302 admitted, may not be classified as protected under this section;

303 (29) records of the governor's office, including budget recommendations, legislative
304 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
305 policies or contemplated courses of action before the governor has implemented or rejected
306 those policies or courses of action or made them public;

307 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
308 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
309 recommendations in these areas;

310 (31) records provided by the United States or by a government entity outside the state
311 that are given to the governmental entity with a requirement that they be managed as protected
312 records if the providing entity certifies that the record would not be subject to public disclosure
313 if retained by it;

314 (32) transcripts, minutes, or reports of the closed portion of a meeting of a public body
315 except as provided in Section 52-4-206;

316 (33) records that would reveal the contents of settlement negotiations but not including
317 final settlements or empirical data to the extent that they are not otherwise exempt from
318 disclosure;

319 (34) memoranda prepared by staff and used in the decision-making process by an
320 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
321 other body charged by law with performing a quasi-judicial function;

322 (35) records that would reveal negotiations regarding assistance or incentives offered
323 by or requested from a governmental entity for the purpose of encouraging a person to expand
324 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
325 person or place the governmental entity at a competitive disadvantage, but this section may not
326 be used to restrict access to a record evidencing a final contract;

327 (36) materials to which access must be limited for purposes of securing or maintaining
328 the governmental entity's proprietary protection of intellectual property rights including patents,
329 copyrights, and trade secrets;

330 (37) the name of a donor or a prospective donor to a governmental entity, including an
331 institution within the state system of higher education defined in Section 53B-1-102, and other
332 information concerning the donation that could reasonably be expected to reveal the identity of
333 the donor, provided that:

334 (a) the donor requests anonymity in writing;

335 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
336 classified protected by the governmental entity under this Subsection (37); and

337 (c) except for an institution within the state system of higher education defined in

338 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
339 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
340 over the donor, a member of the donor's immediate family, or any entity owned or controlled
341 by the donor or the donor's immediate family;

342 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
343 73-18-13;

344 (39) a notification of workers' compensation insurance coverage described in Section
345 34A-2-205;

346 (40) (a) the following records of an institution within the state system of higher
347 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
348 or received by or on behalf of faculty, staff, employees, or students of the institution:

349 (i) unpublished lecture notes;

350 (ii) unpublished notes, data, and information:

351 (A) relating to research; and

352 (B) of:

353 (I) the institution within the state system of higher education defined in Section
354 53B-1-102; or

355 (II) a sponsor of sponsored research;

356 (iii) unpublished manuscripts;

357 (iv) creative works in process;

358 (v) scholarly correspondence; and

359 (vi) confidential information contained in research proposals;

360 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
361 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

362 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

363 (41) (a) records in the custody or control of the Office of Legislative Auditor General
364 that would reveal the name of a particular legislator who requests a legislative audit prior to the
365 date that audit is completed and made public; and

366 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
367 Office of the Legislative Auditor General is a public document unless the legislator asks that
368 the records in the custody or control of the Office of Legislative Auditor General that would

369 reveal the name of a particular legislator who requests a legislative audit be maintained as
370 protected records until the audit is completed and made public;

371 (42) records that provide detail as to the location of an explosive, including a map or
372 other document that indicates the location of:

373 (a) a production facility; or

374 (b) a magazine;

375 (43) information:

376 (a) contained in the statewide database of the Division of Aging and Adult Services
377 created by Section 62A-3-311.1; or

378 (b) received or maintained in relation to the Identity Theft Reporting Information
379 System (IRIS) established under Section 67-5-22;

380 (44) information contained in the Management Information System and Licensing
381 Information System described in Title 62A, Chapter 4a, Child and Family Services;

382 (45) information regarding National Guard operations or activities in support of the
383 National Guard's federal mission;

384 (46) records provided by any pawn or secondhand business to a law enforcement
385 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
386 Secondhand Merchandise Transaction Information Act;

387 (47) information regarding food security, risk, and vulnerability assessments performed
388 by the Department of Agriculture and Food;

389 (48) except to the extent that the record is exempt from this chapter pursuant to Section
390 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or
391 prepared or maintained by the Division of Emergency Management, and the disclosure of
392 which would jeopardize:

393 (a) the safety of the general public; or

394 (b) the security of:

395 (i) governmental property;

396 (ii) governmental programs; or

397 (iii) the property of a private person who provides the Division of Emergency
398 Management information;

399 (49) records of the Department of Agriculture and Food relating to the National

400 Animal Identification System or any other program that provides for the identification, tracing,
401 or control of livestock diseases, including any program established under Title 4, Chapter 24,
402 Utah Livestock Brand and Anti-theft Act or Title 4, Chapter 31, Livestock Inspection and
403 Quarantine;

404 (50) as provided in Section 26-39-501:

405 (a) information or records held by the Department of Health related to a complaint
406 regarding a child care program or residential child care which the department is unable to
407 substantiate; and

408 (b) information or records related to a complaint received by the Department of Health
409 from an anonymous complainant regarding a child care program or residential child care;

410 (51) unless otherwise classified as public under Section 63G-2-301 and except as
411 provided under Section 41-1a-116, an individual's home address, home telephone number, or
412 personal mobile phone number, if:

413 (a) the individual is required to provide the information in order to comply with a law,
414 ordinance, rule, or order of a government entity; and

415 (b) the subject of the record has a reasonable expectation that this information will be
416 kept confidential due to:

417 (i) the nature of the law, ordinance, rule, or order; and

418 (ii) the individual complying with the law, ordinance, rule, or order;

419 (52) the name, home address, work addresses, and telephone numbers of an individual
420 that is engaged in, or that provides goods or services for, medical or scientific research that is:

421 (a) conducted within the state system of higher education, as defined in Section
422 53B-1-102; and

423 (b) conducted using animals;

424 (53) an initial proposal under Title 63M, Chapter 1, Part 26, Government Procurement
425 Private Proposal Program, to the extent not made public by rules made under that chapter;

426 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
427 Evaluation Commission concerning an individual commissioner's vote on whether or not to
428 recommend that the voters retain a judge;

429 (55) information collected and a report prepared by the Judicial Performance
430 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter

431 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
432 the information or report;

433 (56) records contained in the Management Information System created in Section
434 62A-4a-1003;

435 (57) records provided or received by the Public Lands Policy Coordinating Office in
436 furtherance of any contract or other agreement made in accordance with Section 63J-4-603;

437 (58) information requested by and provided to the Utah State 911 Committee under
438 Section 53-10-602;

439 (59) recorded Children's Justice Center investigative interviews, both video and audio,
440 the release of which are governed by Section 77-37-4;

441 (60) in accordance with Section 73-10-33:

442 (a) a management plan for a water conveyance facility in the possession of the Division
443 of Water Resources or the Board of Water Resources; or

444 (b) an outline of an emergency response plan in possession of the state or a county or
445 municipality;

446 (61) the following records in the custody or control of the Office of Inspector General
447 of Medicaid Services, created in Section 63J-4a-201:

448 (a) records that would disclose information relating to allegations of personal
449 misconduct, gross mismanagement, or illegal activity of a person if the information or
450 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
451 through other documents or evidence, and the records relating to the allegation are not relied
452 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
453 report or final audit report;

454 (b) records and audit workpapers to the extent they would disclose the identity of a
455 person who, during the course of an investigation or audit, communicated the existence of any
456 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
457 regulation adopted under the laws of this state, a political subdivision of the state, or any
458 recognized entity of the United States, if the information was disclosed on the condition that
459 the identity of the person be protected;

460 (c) before the time that an investigation or audit is completed and the final
461 investigation or final audit report is released, records or drafts circulated to a person who is not

462 an employee or head of a governmental entity for the person's response or information;

463 (d) records that would disclose an outline or part of any investigation, audit survey
464 plan, or audit program; or

465 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
466 investigation or audit;

467 (62) records that reveal methods used by the Office of Inspector General of Medicaid
468 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
469 abuse; and

470 (63) information provided to the Department of Health or the Division of Occupational
471 and Professional Licensing under Subsection 58-68-304(3) or (4)[; ~~and~~].

472 [~~(64) a record described in Section 63G-12-210.~~]

473 Section 3. Section **63G-12-101** is amended to read:

474 **CHAPTER 12. IDENTIFICATION AND VERIFICATION**

475 **63G-12-101. Title.**

476 This chapter is known as [~~the "Utah Immigration Accountability and Enforcement Act~~]
477 "Identification and Verification."

478 Section 4. Section **63G-12-401** is amended to read:

479 **63G-12-401. Creation of identity documents -- Issuance to citizens, nationals, and**
480 **legal permanent resident aliens -- Exceptions.**

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

484 (a) a federal, state, or local government agency for employee identification, which is
485 designed to identify the bearer as an employee;

486 (b) a federal, state, or local government agency for purposes authorized or required by
487 law or a legitimate purpose consistent with the duties of the agency, including such documents
488 as voter identification cards, identification cards, passports, birth certificates, and Social
489 Security cards; and

490 (c) a public school or state or private educational institution to identify the bearer as an
491 administrator, faculty member, student, or employee.

492 (2) The name of the issuing entity shall be clearly printed upon the face of the

493 identification document.

494 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity
495 providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall issue
496 the document, card, or certificate only to:

- 497 (a) a United States citizen;
- 498 (b) a national; or
- 499 (c) a legal permanent resident alien.

500 (4) (a) Subsection (3) does not apply to an applicant for an identification document
501 who presents, in person, valid documentary evidence of the applicant's:

- 502 (i) unexpired immigrant or nonimmigrant visa status for admission into the United
503 States;
- 504 (ii) pending or approved application for asylum in the United States;
- 505 (iii) admission into the United States as a refugee;
- 506 (iv) pending or approved application for temporary protected status in the United
507 States;
- 508 (v) approved deferred action status; or
- 509 (vi) pending application for adjustment of status to legal permanent resident or
510 conditional resident.

511 (b) (i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)
512 identification document to an applicant who satisfies the requirements of Subsection (4)(a).

513 (ii) Except as otherwise provided by federal law, the document is valid only:

- 514 (A) during the period of time of the individual's authorized stay in the United States; or
- 515 (B) for one year from the date of issuance if there is no definite end to the individual's
516 period of authorized stay.

517 (iii) An entity issuing an identification document under this Subsection (4) shall clearly
518 indicate on the document:

- 519 (A) that it is temporary; and
- 520 (B) its expiration date.

521 (c) An individual may renew a document issued under this Subsection (4) only upon
522 presentation of valid documentary evidence that the status by which the individual originally
523 qualified for the identification document has been extended by the United States Citizenship

524 and Immigration Services or other authorized agency of the United States Department of
525 Homeland Security.

526 (5) (a) Subsection (3) does not apply to an identification document issued under
527 Subsection (1)(c) that:

528 (i) is only valid for use on the educational institution's campus or facility; and

529 (ii) includes a statement of the restricted use conspicuously printed upon the face of the
530 identification document.

531 (b) Subsection (3) does not apply to a license certificate, driving privilege card, or
532 identification card issued or renewed under Title 53, Chapter 3, Uniform Driver License Act.

533 (c) Subsection (3) does not apply to a public transit pass issued by a public transit
534 district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:

535 (i) is only valid for use on the public transit system; and

536 (ii) includes a statement of the restricted use conspicuously printed on the face of the
537 public transit pass.

538 [~~(d) Subsection (3) does not apply to a permit issued under Section 63G-12-207.~~]

539 [(~~e~~)] (d) Subsection (3) does not apply to a permit issued under Chapter 14, Utah Pilot
540 Sponsored Resident Immigrant Program Act.

541 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or
542 national origin.

543 Section 5. Section **63G-12-402** is amended to read:

544 **63G-12-402. Receipt of state, local, or federal public benefits -- Verification --**
545 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

546 (1) As used in this section, "federal program" means the Systematic Alien Verification
547 for Entitlements Program operated by the United States Department of Homeland Security or
548 an equivalent program designated by the Department of Homeland Security.

549 [(~~1~~)] (2) (a) Except as provided in Subsection [(~~3~~)] (4) or when exempted by federal
550 law, an agency or political subdivision of the state shall verify the lawful presence in the
551 United States of an individual at least 18 years of age who applies for:

552 (i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or

553 (ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an
554 agency or political subdivision of this state.

555 (b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction
556 Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of
557 Commerce shall verify in accordance with this Subsection (2) the lawful presence in the United
558 States of each individual who:

559 (i) owns an interest in the contractor that is an unincorporated entity; and

560 (ii) engages, or will engage, in a construction trade in Utah as an owner of the
561 contractor described in Subsection (2)(b)(i).

562 [~~2~~] (3) This section shall be enforced without regard to race, religion, gender,
563 ethnicity, or national origin.

564 [~~3~~] (4) Verification of lawful presence under this section is not required for:

565 (a) any purpose for which lawful presence in the United States is not restricted by law,
566 ordinance, or regulation;

567 (b) assistance for health care items and services that:

568 (i) are necessary for the treatment of an emergency medical condition, as defined in 42
569 U.S.C. Sec. 1396b(v)(3), of the individual involved; and

570 (ii) are not related to an organ transplant procedure;

571 (c) short-term, noncash, in-kind emergency disaster relief;

572 (d) public health assistance for immunizations with respect to immunizable diseases
573 and for testing and treatment of symptoms of communicable diseases whether or not the
574 symptoms are caused by the communicable disease;

575 (e) programs, services, or assistance such as soup kitchens, crisis counseling and
576 intervention, and short-term shelter, specified by the United States Attorney General, in the
577 sole and unreviewable discretion of the United States Attorney General after consultation with
578 appropriate federal agencies and departments, that:

579 (i) deliver in-kind services at the community level, including through public or private
580 nonprofit agencies;

581 (ii) do not condition the provision of assistance, the amount of assistance provided, or
582 the cost of assistance provided on the income or resources of the individual recipient; and

583 (iii) are necessary for the protection of life or safety;

584 (f) the exemption for paying the nonresident portion of total tuition as set forth in
585 Section 53B-8-106;

586 (g) an applicant for a license under Section 61-1-4, if the applicant:
587 (i) is registered with the Financial Industry Regulatory Authority; and
588 (ii) files an application with the state Division of Securities through the Central
589 Registration Depository;

590 (h) a state public benefit to be given to an individual under Title 49, Utah State
591 Retirement and Insurance Benefit Act;

592 (i) a home loan that will be insured, guaranteed, or purchased by:
593 (i) the Federal Housing Administration, the Veterans Administration, or any other
594 federal agency; or
595 (ii) an enterprise as defined in 12 U.S.C. Sec. 4502;

596 (j) a subordinate loan or a grant that will be made to an applicant in connection with a
597 home loan that does not require verification under Subsection ~~[(3)]~~ (4)(i); and

598 (k) an applicant for a license issued by the Department of Commerce or individual
599 described in Subsection (2)(b), if the applicant or individual provides the Department of
600 Commerce:

601 (i) certification, under penalty of perjury, that the applicant or individual is:
602 (A) a United States citizen;
603 (B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or
604 (C) lawfully present in the United States; and
605 (ii) the number for a driver license or identification card issued:
606 (A) under Title 53, Chapter 3, Uniform Driver License Act; or
607 (B) by a state other than Utah that as part of issuing the driver license or identification
608 card verifies an individual's lawful presence in the United States.

609 ~~[(4)(a)]~~ (5) An agency or political subdivision required to verify the lawful presence in
610 the United States of an applicant under this section shall require the applicant to certify under
611 penalty of perjury that:

612 ~~[(i)]~~ (a) the applicant is a United States citizen; or
613 ~~[(ii)]~~ (b) the applicant is:
614 ~~[(A)]~~ (i) a qualified alien as defined in 8 U.S.C. Sec. 1641; and
615 ~~[(B)]~~ (ii) lawfully present in the United States.
616 ~~[(b) The certificate required under this Subsection (4) shall include a statement~~

617 ~~advising the signer that providing false information subjects the signer to penalties for perjury.]~~

618 ~~[(5)] (6)~~ An agency or political subdivision shall verify a certification required under
619 Subsection ~~[(4)] (5)~~(b) through the federal ~~[SAVE]~~ program.

620 ~~[(6)] (7)~~ (a) An individual who knowingly and willfully makes a false, fictitious, or
621 fraudulent statement or representation in a certification under Subsection ~~[(3)] (4)~~(k) or ~~[(4)]~~
622 ~~(5)~~ is subject to the criminal penalties applicable in this state for:

623 (i) making a written false statement under Subsection 76-8-504(2); and

624 (ii) fraudulently obtaining:

625 (A) public assistance program benefits under Sections 76-8-1205 and 76-8-1206; or

626 (B) unemployment compensation under Section 76-8-1301.

627 (b) If the certification constitutes a false claim of United States citizenship under 18
628 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United
629 States Attorney General for the applicable district based upon the venue in which the
630 application was made.

631 ~~[(c) If an agency or political subdivision receives verification that a person making an~~
632 ~~application for a benefit, service, or license is not a qualified alien, the agency or political~~
633 ~~subdivision shall provide the information to the Office of the Attorney General unless~~
634 ~~prohibited by federal mandate.]~~

635 ~~[(7)] (8)~~ An agency or political subdivision may adopt variations to the requirements of
636 this section that:

637 (a) clearly improve the efficiency of or reduce delay in the verification process; or

638 (b) provide for adjudication of unique individual circumstances where the verification
639 procedures in this section would impose an unusual hardship on a legal resident of Utah.

640 ~~[(8)] (9)~~ It is unlawful for an agency or a political subdivision of this state to provide a
641 state, local, or federal benefit, as defined in 8 U.S.C. Sec. 1611 and 1621, in violation of this
642 section.

643 ~~[(9)] (10)~~ A state agency or department that administers a program of state or local
644 public benefits shall:

645 (a) provide an annual report to the governor, the president of the Senate, and the
646 speaker of the House regarding its compliance with this section; and

647 (b) (i) monitor the federal ~~[SAVE]~~ program for application verification errors and

648 significant delays;

649 (ii) provide an annual report on the errors and delays to ensure that the application of
650 the federal [SAVE] program is not erroneously denying a state or local benefit to a legal
651 resident of the state; and

652 (iii) report delays and errors in the federal [SAVE] program to the United States
653 Department of Homeland Security.

654 Section 6. Section **63G-12-403**, which is renumbered from Section 63G-12-302 is
655 renumbered and amended to read:

656 ~~[63G-12-302].~~ **63G-12-403. Status verification system -- Registration and**
657 **use -- Performance of services -- Unlawful practice.**

658 (1) As used in this section:

659 (a) "Contract" means an agreement for the procurement of goods or services that is
660 awarded through a request for proposals process with a public employer and includes a sole
661 source contract.

662 (b) "Contractor" means a subcontractor, contract employee, staffing agency, or any
663 contractor regardless of its tier.

664 (c) "Public employer" means a department, agency, instrumentality, or political
665 subdivision of the state.

666 (d) (i) "Status Verification System" means an electronic system operated by the federal
667 government, through which an authorized official of a state agency or a political subdivision of
668 the state may inquire by exercise of authority delegated pursuant to 8 U.S.C. Sec. 1373, to
669 verify the citizenship or immigration status of an individual within the jurisdiction of the
670 agency or political subdivision for a purpose authorized under this section.

671 (ii) "Status Verification System" includes:

672 (A) the electronic verification of the work authorization program of the Illegal
673 Immigration Reform and Immigration Responsibility Act of 1996, 8 U.S.C. Sec. 1324a, known
674 as the e-verify program;

675 (B) an equivalent federal program designated by the United States Department of
676 Homeland Security or other federal agency authorized to verify the work eligibility status of a
677 newly hired employee pursuant to the Immigration Reform and Control Act of 1986;

678 (C) the Social Security Number Verification Service or similar online verification

679 process implemented by the United States Social Security Administration; or

680 (D) an independent third-party system with an equal or higher degree of reliability as
681 the programs, systems, or processes described in Subsection (1)(d)(ii)(A), (B), (C).

682 (e) "Unauthorized alien" means an alien as defined in 8 U.S.C. Sec. 1324a(h)(3).

683 (2) (a) [~~Subject to Subsection (5), a~~] Each public employer shall register with and use a
684 Status Verification System to verify the federal employment authorization status of a new
685 employee.

686 (b) This section shall be enforced without regard to race, religion, gender, ethnicity, or
687 national origin.

688 (3) (a) [~~Subject to Subsection (5), beginning~~] Beginning July 1, 2009:

689 (i) a public employer may not enter into a contract for the physical performance of
690 services within the state with a contractor unless the contractor registers and participates in the
691 Status Verification System to verify the work eligibility status of the contractor's new
692 employees that are employed in the state; and

693 (ii) a contractor shall register and participate in the Status Verification System in order
694 to enter into a contract with a public employer.

695 (b) (i) For purposes of compliance with Subsection (3)(a), a contractor is individually
696 responsible for verifying the employment status of only new employees who work under the
697 contractor's supervision or direction and not those who work for another contractor or
698 subcontractor, except as otherwise provided in Subsection (3)(b)(ii).

699 (ii) Each contractor or subcontractor who works under or for another contractor shall
700 certify to the main contractor by affidavit that the contractor or subcontractor has verified
701 through the Status Verification System the employment status of each new employee of the
702 respective contractor or subcontractor.

703 (c) Subsection (3)(a) does not apply to a contract:

704 (i) entered into by the entities referred to in Subsection (3)(a) prior to July 1, 2009,
705 even though the contract may involve the physical performance of services within the state on
706 or after July 1, 2009; or

707 (ii) that involves underwriting, remarketing, broker-dealer activities, securities
708 placement, investment advisory, financial advisory, or other financial or investment banking
709 services.

710 (4) (a) It is unlawful for an employing entity in the state to discharge an employee
711 working in Utah who is a United States citizen or permanent resident alien and replace the
712 employee with, or have the employee's duties assumed by, an employee who:

713 (i) the employing entity knows, or reasonably should have known, is an unauthorized
714 alien hired on or after July 1, 2009; and

715 (ii) is working in the state in a job category:

716 (A) that requires equal skill, effort, and responsibility; and

717 (B) which is performed under similar working conditions, as defined in 29 U.S.C., Sec.
718 206 (d)(1), as the job category held by the discharged employee.

719 (b) An employing entity, which on the date of a discharge in question referred to in
720 Subsection (4)(a) is enrolled in and using the Status Verification System to verify the
721 employment eligibility of its employees in Utah who are hired on or after July 1, 2009, is
722 exempt from liability, investigation, or lawsuit arising from an action under this section.

723 (c) A cause of action for a violation of this Subsection (4) arises exclusively from the
724 provisions of this Subsection (4).

725 [~~(5) On and after the program start date:]~~

726 [~~(a) a public employer, after hiring an employee, shall verify the employment eligibility
727 of the new employee:]~~

728 [~~(i) through the status verification system if the individual does not hold a permit; and]~~

729 [~~(ii) through the u-verify program if the individual holds a permit; and]~~

730 [~~(b) a contractor is considered to be in compliance with this section if, after hiring an
731 employee, the contractor verifies the employment eligibility of the new employee:]~~

732 [~~(i) through the status verification system if the individual does not hold a permit; and]~~

733 [~~(ii) through the u-verify program if the individual holds a permit.]~~

734 Section 7. Section **63I-2-213** is amended to read:

735 **63I-2-213. Repeal dates -- Title 13.**

736 [~~Title 13, Chapter 47, Private Employer Verification Act, is repealed on the program
737 start date, as defined in Section 63G-12-102.]~~

738 Section 8. Section **63J-1-602.4** is amended to read:

739 **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63M.**

740 (1) Funds paid to the Division of Real Estate for the cost of a criminal background

741 check for a mortgage loan license, as provided in Section 61-2c-202.

742 (2) Funds paid to the Division of Real Estate for the cost of a criminal background
743 check for principal broker, associate broker, and sales agent licenses, as provided in Section
744 61-2f-204.

745 (3) Certain funds donated to the Department of Human Services, as provided in
746 Section 62A-1-111.

747 (4) Certain funds donated to the Division of Child and Family Services, as provided in
748 Section 62A-4a-110.

749 (5) Appropriations from the Choose Life Adoption Support Restricted Account created
750 in Section 62A-4a-608.

751 (6) Appropriations to the Division of Services for People with Disabilities, as provided
752 in Section 62A-5-102.

753 (7) A portion of the funds appropriated to the Utah Seismic Safety Commission, as
754 provided in Section 63C-6-104.

755 (8) Funding for the Medical Education Program administered by the Medical
756 Education Council, as provided in Section 63C-8-102.

757 (9) Certain money payable for commission expenses of the Pete Suazo Utah Athletic
758 Commission, as provided under Section 63C-11-301.

759 (10) Funds appropriated or collected for publishing the Division of Administrative
760 Rules' publications, as provided in Section 63G-3-402.

761 [~~(11) The Immigration Act Restricted Account created in Section 63G-12-103;~~]

762 [~~(12)~~] (11) Money received by the military installation development authority, as
763 provided in Section 63H-1-504.

764 [~~(13)~~] (12) The appropriation to fund the Governor's Office of Economic
765 Development's Enterprise Zone Act, as provided in Section 63M-1-416.

766 [~~(14)~~] (13) The Motion Picture Incentive Account created in Section 63M-1-1803.

767 [~~(15)~~] (14) Appropriations to the Utah Science Technology and Research Governing
768 Authority, created under Section 63M-2-301, as provided under Section 63M-2-302.

769 Section 9. Section **67-5-22.7** is amended to read:

770 **67-5-22.7. Multi-agency strike force to combat violent and other major felony**
771 **crimes associated with illegal immigration and human trafficking -- Fraudulent**

772 **Documents Identification Unit.**

773 (1) The Office of the Attorney General is authorized to administer and coordinate the
774 operation of a multi-agency strike force to combat violent and other major felony crimes
775 committed within the state that are associated with illegal immigration and human trafficking.

776 (2) The office shall invite officers of the U.S. Immigration and Customs Enforcement
777 and state and local law enforcement personnel to participate in this mutually supportive,
778 multi-agency strike force to more effectively utilize their combined skills, expertise, and
779 resources.

780 (3) The strike force shall focus its efforts on detecting, investigating, deterring, and
781 eradicating violent and other major felony criminal activity related to illegal immigration and
782 human trafficking.

783 (4) In conjunction with the strike force and subject to available funding, the Office of
784 the Attorney General shall establish a Fraudulent Documents Identification Unit:

785 (a) for the primary purpose of investigating, apprehending, and prosecuting individuals
786 or entities that participate in the sale or distribution of fraudulent documents used for
787 identification purposes; and

788 (b) to specialize in fraudulent identification documents created and prepared for
789 individuals who are unlawfully residing within the state[~~;~~and].

790 [~~(c) to administer the Identity Theft Victims Restricted Account created under~~
791 ~~Subsection (5).]~~

792 [~~(5) (a) There is created a restricted account in the General Fund known as the "Identity~~
793 ~~Theft Victims Restricted Account."~~]

794 [~~(b) The Identity Theft Victims Restricted Account shall consist of money appropriated~~
795 ~~to the Identity Theft Victims Restricted Account by the Legislature.]~~

796 [~~(c) Subject to appropriations from the Legislature, beginning on the program start~~
797 ~~date, as defined in Section 63G-12-102, the Fraudulent Documents Identification Unit may~~
798 ~~expend the money in the Identity Theft Victims Restricted Account to pay a claim as provided~~
799 ~~in this Subsection (5) to a person who is a victim of identity theft prosecuted under Section~~
800 ~~76-6-1102 or 76-10-1801.]~~

801 [~~(d) To obtain payment from the Identity Theft Victims Restricted Account, a person~~
802 ~~shall file a claim with the Fraudulent Documents Identification Unit by no later than one year~~

803 after the day on which an individual is convicted, pleads guilty to, pleads no contest to, pleads
 804 guilty in a similar manner to, or resolved by diversion or its equivalent an offense under
 805 Section 76-6-1102 or 76-10-1801 for the theft of the identity of the person filing the claim.]

806 ~~[(e) A claim filed under this Subsection (5) shall include evidence satisfactory to the
 807 Fraudulent Documents Identification Unit:]~~

808 ~~[(i) that the person is the victim of identity theft described in Subsection (5)(d); and]~~

809 ~~[(ii) of the actual damages experienced by the person as a result of the identity theft
 810 that are not recovered from a public or private source.]~~

811 ~~[(f) The Fraudulent Documents Identification Unit shall pay a claim from the Identity
 812 Theft Victims Restricted Account:]~~

813 ~~[(i) if the Fraudulent Documents Identification Unit determines that the person has
 814 provided sufficient evidence to meet the requirements of Subsection (5)(e);]~~

815 ~~[(ii) in the order that claims are filed with the Fraudulent Documents Identification
 816 Unit; and]~~

817 ~~[(iii) to the extent that it there is money in the Identity Theft Victims Restricted
 818 Account:]~~

819 ~~[(g) If there is insufficient money in the Identity Theft Victims Restrict Account when
 820 a claim is filed under this Subsection (5) to pay the claim in full, the Fraudulent Documents
 821 Identification Unit may pay a claim when there is sufficient money in the account to pay the
 822 claim in the order that the claims are filed:]~~

823 ~~[(6)]~~ (5) The strike force shall make an annual report on its activities to the governor
 824 and the Legislature's Law Enforcement and Criminal Justice Interim Committee by December
 825 1, together with any proposed recommendations for modifications to this section.

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

827 **76-10-2901. Transporting or harboring aliens -- Definition -- Penalty.**

828 (1) As used in this part~~[(a) Except as provided in Subsection (1)(b)],~~ "alien" means an
 829 individual who is illegally present in the United States.

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

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

833 (a) transport, move, or attempt to transport into this state or within the state an alien for

834 commercial advantage or private financial gain, knowing or in reckless disregard of the fact
835 that the alien is in the United States in violation of federal law, in furtherance of the illegal
836 presence of the alien in the United States;

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

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

844 (d) engage in a conspiracy, for commercial advantage or private financial gain, to
845 commit any of the offenses listed in this Subsection (2).

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

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

849 (4) Nothing in this part prohibits or restricts the provision of:

850 (a) a state or local public benefit described in 8 U.S.C. Sec. 1621(b); or

851 (b) charitable or humanitarian assistance, including medical care, housing, counseling,
852 food, victim assistance, religious services and sacraments, and transportation to and from a
853 location where the assistance is provided, by a charitable, educational, or religious organization
854 or its employees, agents, or volunteers, using private funds.

855 (5) (a) It is not a violation of this part for a religious denomination or organization or
856 an agent, officer, or member of a religious denomination or organization to encourage, invite,
857 call, allow, or enable an alien to perform the vocation of a minister or missionary for the
858 denomination or organization in the United States as a volunteer who is not compensated as an
859 employee, notwithstanding the provision of room, board, travel, medical assistance, and other
860 basic living expenses.

861 (b) Subsection (5)(a) applies only to an alien who has been a member of the religious
862 denomination or organization for at least one year.

863 (6) An individual's participation in Title 63G, Chapter 14, Utah Pilot Sponsored
864 Resident Immigrant Program Act, either as a sponsor or resident alien does not constitute

865 encouraging or inducing an alien to come to, enter, or reside in this state in violation of
866 Subsection (2)(c).

867 Section 11. **Repealer.**

868 This bill repeals:

869 Section **63G-12-102, Definitions.**

870 Section **63G-12-103, Immigration Act Restricted Account.**

871 Section **63G-12-104, Determining immigration status -- Transfer or maintenance**
872 **of information.**

873 Section **63G-12-105, Implementation to be consistent with federal law and civil**
874 **rights.**

875 Section **63G-12-106, Severability.**

876 Section **63G-12-201, Department to create program.**

877 Section **63G-12-202, Federal waivers, exemptions, or authorizations --**
878 **Implementation without waiver, exemption, or authorization.**

879 Section **63G-12-203, Coordination with other federal or state laws or programs.**

880 Section **63G-12-204, Obtaining a permit -- Uses of permit.**

881 Section **63G-12-205, Eligibility criteria to obtain and maintain a guest worker**
882 **permit.**

883 Section **63G-12-206, Eligibility to obtain and maintain an immediate family**
884 **permit.**

885 Section **63G-12-207, Application and renewal process.**

886 Section **63G-12-208, Conditions during permit term.**

887 Section **63G-12-209, Proficiency standards for English.**

888 Section **63G-12-210, Verification of valid permit -- Protected status of information.**

889 Section **63G-12-211, Prohibited conduct -- Administrative penalties -- Criminal**
890 **penalties.**

891 Section **63G-12-212, Sharing of information related to enforcement.**

892 Section **63G-12-301, Employing unauthorized alien -- Verification of employment**
893 **eligibility.**

894 Section **63G-12-303, Liability protections.**

895 Section **63G-12-304, Voluntary registration by private employer certifying**

896 **participation in verification.**

897 Section **63G-12-305, Administrative actions -- Defenses.**

898 Section **63G-12-306, Penalties.**

Legislative Review Note

as of 1-31-12 11:15 AM

Office of Legislative Research and General Counsel