

H.B. 70

ILLEGAL IMMIGRATION ENFORCEMENT ACT

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 3

FEBRUARY 11, 2011 11:53 AM

Representative **Stephen E. Sandstrom** proposes 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 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:

(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 .