

REAL ID ACT COMPLIANCE AMENDMENTS

2018 THIRD SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill repeals provisions prohibiting compliance with the REAL ID Act of 2005.

Highlighted Provisions:

This bill:

- ▶ repeals provisions prohibiting compliance with the REAL ID Act of 2005; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

76-9-1007, as enacted by Laws of Utah 2011, Chapter 21

REPEALS:

53-3-104.5, as enacted by Laws of Utah 2010, Chapter 253

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

Section 1. Section **76-9-1007** is amended to read:

76-9-1007. Determining an alien's immigration status -- Transfer or maintenance of information.



28 [(†)] Except as limited by federal law, any state or local governmental agency is not
29 restricted or prohibited in any way from sending, receiving, or maintaining information related
30 to the lawful or unlawful immigration status of any person by communicating with any federal,
31 state, or local governmental entity for any lawful purpose, including:

32 [(a)] (1) determining a person's eligibility for any public benefit, service, or license
33 provided by any federal agency, by this state, or by any political subdivision of this state;

34 [(b)] (2) confirming a person's claim of residence or domicile if determination is
35 required by state law or a judicial order issued pursuant to a civil or criminal proceeding in this
36 state;

37 [(c)] (3) if the person is an alien, determining if the person is in compliance with the
38 federal registration laws of Title II, Part 7, Immigration and Nationality Act; or

39 [(d)] (4) a valid request for verification of the citizenship or immigration status of any
40 person pursuant to 8 U.S.C. Sec. 1373.

41 ~~[(e)] This section does not implement, authorize, or establish the federal REAL ID Act
42 of 2005, P.L. 109-13, Division B; 119 Stat. 302, except as provided by Section 53-3-104.5,
43 regarding limitations on the state implementation of the federal REAL ID Act.]~~

44 Section 2. **Repealer.**

45 This bill repeals:

46 Section **53-3-104.5, Legislative finding -- Prohibition on implementing REAL ID**
47 **Act.**

48 Section 3. **Effective date.**

49 If approved by two-thirds of all the members elected to each house, this bill takes effect
50 upon approval by the governor, or the day following the constitutional time limit of Utah
51 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
52 the date of veto override.