

SENATE BILL NO. 258
INTRODUCED BY J. SHOCKLEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE GRANTING OF CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSES OR RENEWALS OF THOSE LICENSES TO UNLAWFUL ALIENS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Unlawful alien not to be licensed. (1) Before granting a license for the first time after [the effective date of this act] or renewing an expired or lapsed license on or after that date, a board, or the department for a department program, shall determine whether the individual to be licensed or renewed ~~is an unlawful alien~~ HAS A UNIQUE SOCIAL SECURITY NUMBER OR TAX IDENTIFICATION NUMBER. If a board or department determines that the individual ~~is an unlawful alien~~ DOES NOT HAVE A UNIQUE SOCIAL SECURITY NUMBER OR TAX IDENTIFICATION NUMBER, the board or department SHALL REQUEST MORE INFORMATION TO DETERMINE IF THE INDIVIDUAL IS AN UNLAWFUL ALIEN. IF THE INDIVIDUAL IS AN UNLAWFUL ALIEN, THE BOARD OR DEPARTMENT may not grant or renew the license.

(2) This section:

(a) does not authorize or require a board or the department to take disciplinary action, such as the revocation of a license, against an individual only because the individual is an unlawful alien;

(b) does not prevent a board or the department from taking appropriate action against a licensee or applicant who is an unlawful alien who has misrepresented the unlawful alien's immigration status or otherwise committed unprofessional conduct, of the type specified in 37-1-316, with regard to that status and a license application or renewal; and

(c) applies to licenses granted by:

(i) a board or the department pursuant to this title;

(ii) the board of athletics, provided for in 2-15-1772, pursuant to Title 23, chapter 3;

(iii) the department pursuant to Title 50, chapter 74, part 3; and

(iv) the department pursuant to Title 50, chapter 76, part 1.

(3) (A) As used in this section, "unlawful alien" is an individual determined by the federal government to be deportable, under federal law, from the United States.

(B) THE TERM DOES NOT INCLUDE AN INDIVIDUAL WHO HAS:

(I) A U.S. PASSPORT, A TRIBAL PHOTO IDENTIFICATION, OR A BIRTH CERTIFICATE ISSUED BY A STATE, COUNTY, MUNICIPAL AUTHORITY, OR OUTLYING POSSESSION OF THE UNITED STATES AND BEARING AN OFFICIAL SEAL; OR

(II) A FEDERALLY ISSUED DOCUMENT USED TO VERIFY EMPLOYMENT ELIGIBILITY, INCLUDING:

(A) A U.S. CITIZEN IDENTIFICATION CARD (INS FORM I-197);

(B) AN IDENTIFICATION CARD OF A RESIDENT CITIZEN OF THE UNITED STATES (INS FORM I-179);

(C) A CERTIFICATE OF U.S. CITIZENSHIP (INS FORM N-560 OR N-561);

(D) A CERTIFICATE OF NATURALIZATION (INS FORM N-550 OR N-570);

(E) AN UNEXPIRED FOREIGN PASSPORT WITH I-551 STAMP OR ATTACHED INS FORM I-94;

(F) AN UNEXPIRED TEMPORARY RESIDENT CARD (INS FORM I-688);

(G) AN UNEXPIRED EMPLOYMENT AUTHORIZATION CARD OR DOCUMENT (INS FORM I-688A OR I-688B WITH A PHOTOGRAPH);

(H) A PERMANENT RESIDENT CARD OR ALIEN REGISTRATION RECEIPT CARD WITH PHOTOGRAPH (INS FORM I-151 OR I-551);

(I) A DEPARTMENT OF DEFENSE DD FORM 214 OR AN ACTIVE MILITARY IDENTIFICATION CARD IF ON ACTIVE DUTY;

OR

(J) AN UNEXPIRED REENTRY PERMIT (INS FORM I-327) OR UNEXPIRED REFUGEE TRAVEL DOCUMENT (INS FORM I-571).

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 1, part 1, and the provisions of Title 37, chapter 1, part 1, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 4. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to an individual who received a license referred to in [section 1(2)(c)] before [the effective date of this act].

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