

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 IS AN UNLAWFUL ALIEN~~. 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 IS AN UNLAWFUL ALIEN~~, 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) ONCE AN APPLICANT FOR A LICENSE OR RENEWAL OF A LICENSE HAS BEEN DETERMINED BY THE DEPARTMENT NOT TO BE AN UNLAWFUL ALIEN, THAT DETERMINATION MAY BE USED BY THE DEPARTMENT FOR THE PURPOSES OF

SUBSEQUENT LICENSE RENEWALS OR APPLICATIONS.

~~(3)(4)~~ (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 UNAUTHORIZED ALIEN, AS DEFINED IN 8 U.S.C. 1324A(H)(3).

(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 THE FOLLOWING DOCUMENTS OR DOCUMENTS THAT SUCCEEDED THEM:

(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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