

SENATE, No. 265

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator MICHAEL J. DOHERTY

District 23 (Hunterdon, Somerset and Warren)

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District 24 (Morris, Sussex and Warren)

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SYNOPSIS

Requires proof of lawful presence in the United States to obtain certain benefits.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 10/26/2012)

1 AN ACT concerning proof of eligibility for certain State and local
2 benefits and privileges and supplementing Title 52 of the
3 Revised Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. As used in this act:

9 "Law enforcement agency" means any law enforcement or
10 intelligence agency, department and authority of the United States
11 Government or of the State or a political subdivision thereof.

12 "State or local public benefit" means:

13 a. Any grant, contract, loan, professional license, or
14 commercial license provided by an agency of the State or any
15 political subdivision thereof or by appropriated funds of the State or
16 any political subdivision thereof; and

17 b. Any retirement, welfare, health, disability, public or assisted
18 housing, post secondary education, food assistance, unemployment
19 benefit, or any other similar benefit for which payments or
20 assistance are provided to an individual, household, or family
21 eligibility unit by an agency of the State or political subdivision
22 thereof or by appropriated funds therefrom.

23 "Verifiable" means that the issuance of a document by the
24 issuing agency to the person named on the document is capable of
25 being confirmed, upon request, by a law enforcement agency.

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27 2. a. As a condition for obtaining any State or local public
28 benefit, except for a State or local public benefit that may not be
29 withheld under federal law or regulation, an applicant or recipient
30 thereof shall provide satisfactory verifiable proof, pursuant to rules
31 and regulations promulgated by the Attorney General, that his
32 presence in the United States is authorized under federal law.

33 b. A person acting in the capacity of a public official, with
34 respect to the granting of a State or local benefit, shall not accept,
35 acknowledge or recognize anything other than the proof established
36 by the Attorney General pursuant to subsection a. of this section.

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38 3. This act shall take effect on the first day of the sixth month
39 after enactment.

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STATEMENT

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44 A 1996 federal immigration reform law authorized states to
45 require that an applicant for State or local government benefits
46 show proof of eligibility, such as a United States passport, driver's
47 license, or resident alien card. Congress passed that legislation in
48 part to limit unauthorized migration by tightening access to public

1 benefits available to noncitizen immigrants.

2 New Jersey's illegal alien population has been estimated to be as
3 high as 300,000 by the Migration Policy Institute. According to the
4 institute, this represents a 186 percent increase since 1992. New
5 Jersey, it has stated, has the sixth highest illegal alien population in
6 the country and spends about \$300 to \$400 million per year in
7 public services. It has been estimated that about one-half of this
8 population, also known as undocumented or unauthorized
9 immigrants, enter legally, then overstay or otherwise violate the
10 terms of their visas.

11 This bill would require any individual, household, or family
12 receiving the following State or local benefits, with certain
13 exceptions, to show verifiable proof of lawful resident status:
14 grants, contracts, loans, licenses as well as retirement, welfare,
15 health, disability, public or assisted housing, post secondary
16 education, food assistance, or unemployment benefits. Proof that a
17 person's presence in the United States is authorized under federal
18 law would be demonstrated by documentation established by the
19 Attorney General pursuant to rule and regulation. Public officials
20 providing such benefits and privileges would be obligated to review
21 such documentation.