

Systematic Alien Verification for Entitlements and the Department of Driver Services

This Act permits the governor to delay implementing the requirements of the Real ID Act until the federal Department of Homeland Security has issued regulations that the governor finds will adequately protect the interests of the citizens of the state.

The Act directs the state department of driver services to take the necessary steps to become a participant in the SAVE Program (Systematic Alien Verification for Entitlements), which is administered by the United States Bureau of Citizenship and Immigration Services, to help ensure that secure and verifiable identification is required in this state in order to obtain a driver's license.

Submitted as:

Georgia

[SB 5](#)

Status: Enacted into law in 2007.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title*.] This Act shall be cited as “An Act Regarding Systematic Alien
2 Verification for Entitlements and the Department of Driver Services.”

3
4 Section 2. [*Legislative Findings*.]

5 (A) The [Legislature] finds that the Real ID Act, H.R. 1268, P.L. 109-13, enacted by
6 Congress in 2005, established standards that state-issued drivers' licenses and identification cards
7 must meet by May 11, 2008, if the licenses or identification cards are to be accepted as valid
8 identification by the federal government. After May 11, 2008, federal agencies are scheduled to
9 accept only drivers' licenses or identification cards that meet Real ID standards. Noncompliant
10 cards will not be accepted for federal purposes such as boarding a domestic flight, opening a bank
11 account, or any other service or activity over which the federal government claims jurisdiction.
12 Each state will also be required to share data from their drivers' licenses or identification cards
13 data base with other states.

14 (B) While everyone recognizes the need to make identifying documents as secure as is
15 humanly possible, the one-size-fits-all approach required by the Real ID Act may actually increase
16 the documents' vulnerability to counterfeiting. If criminals are able to invade one state's system,
17 they may have access to all states' systems. On another front, a report from the National
18 Conference of State Legislatures, the National Governors Association, and the American
19 Association of Motor Vehicle Administrators suggests that the new requirements of the Real ID
20 Act will cost states at least \$11 billion over the first five years of the program. Despite this
21 massive price tag, there has been no money appropriated to help states meet the Law's demands.

22 (C) The Real ID Act gives the Department of Homeland Security the power to set federal
23 standards and determine whether state drivers' licenses and other identification cards meet these
24 standards. There is no provision in the Real ID Act that requires or even mentions information
25 privacy or data security. The federal and state governments must ensure that the data needed to
26 verify the identity of driver's license applicants is maintained securely and not used for other
27 unrelated purposes.

28 (D) The Department of Homeland Security must include privacy protections for personal
29 driver data as they promulgate regulations spelling out what states need to do to implement the
30 federal law. Success of the Real ID Act depends on the Department of Homeland Security and the
31 states collaborating to find a way of implementing its requirements in a fiscally responsible and
32 risk adjusted manner.

33 (E) Therefore, the state [Department of Driver Services] is directed to withhold any
34 legislation designed to implement the Real ID Act in this state until such time as the Department
35 of Homeland Security has enacted regulations that define the exact type of information that is to
36 be required on a state driver's license.

37 (F) Furthermore, before the Real ID Act is implemented in this state, the [Governor] is
38 entitled to review the regulations promulgated by the Department of Homeland Security and
39 determine if they adequately safeguard and restrict use of the information in order to protect the
40 privacy rights of the citizens of this state.

41 (G) The citizens of this state also recognize the importance of ensuring that drivers'
42 licenses are issued only to people legally present in this state. Therefore, the use of secure and
43 verifiable identification will be required in this state in order to obtain a driver's license. This
44 requirement is in harmony with the intent of the Real ID Act to secure identification processes in
45 this country.

46 (H) The [Department of Driver Services] is instructed to take the necessary steps to
47 become a participant in the SAVE Program (Systematic Alien Verification for Entitlements). This
48 program, administered by the United States Bureau of Citizenship and Immigration Services, is
49 designed to verify the immigration status of noncitizens.

50
51 Section 3. [*Delaying Compliance with federal Real ID Act, H.R. 1268, P.L. 109-13.*]

52 (A) The [Governor], or his or her designee, is authorized to delay compliance with certain
53 provisions of the federal Real ID Act, H.R. 1268, P.L. 109-13, enacted by Congress in 2005, until
54 it is expressly guaranteed by the Department of Homeland Security, through adequately defined
55 safeguards, that implementation of the Real ID Act will not compromise the economic privacy or
56 biological sanctity of any citizen or resident of this state. This section shall not be interpreted as
57 limiting the [Governor's] discretion or authority to delay compliance with certain provisions of the
58 Real ID Act for any other reason.

59 (B) The [Department of Driver Services] shall not issue an identification card, license,
60 permit, or other official document to an applicant who is a noncitizen, until the applicant has been
61 confirmed through the SAVE Program to be lawfully present in the United States.

62 (C) This Act shall not apply to instances when a federal law mandates acceptance of a
63 document.

64 (D) Subsection (B) of this Code section shall become effective upon the [department's] full
65 implementation of the SAVE Program but not later than [January 1, 2008].

66
67 Section 4. [*Severability.*] [Insert severability clause.]

68
69 Section 5. [*Repealer.*] [Insert repealer clause.]

70
71 Section 6. [*Effective Date.*] [Insert effective date.]

Taxpayer and Citizen Protection

This Act makes it a felony to knowingly transport, conceal or harbor an illegal alien. Anyone found in violation and convicted may receive up to one year in prison and/or a fine not less than \$1,000. Since this is a new felony there is insufficient data available on the occurrence of this crime. The fiscal impact would be dependent upon the number of adjudicated cases.

The law requires all public employers to enter into a contract for the physical performance of services within the state or register and participate in the federal Status Verification System to verify the work authorization status of all new employees. The state department of labor is required to prescribe forms and promulgate rules and regulations necessary to administer the program and post the rules and regulations on its web site.

The Act directs the Attorney General to negotiate a Memorandum of Understanding between the state and the United States Department of Justice or the United States Department of Homeland Security concerning the enforcement of federal immigration and custom laws, detention and removals, and investigations in the state.

Submitted as:

Oklahoma

[HB1804](#)

Status: Enacted into law in 2007.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as the “Taxpayer and Citizen Protection
2 Act.”

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4 Section 2. [*Legislative Findings.*]

5 A. Illegal immigration is causing economic hardship and lawlessness in this state and that
6 illegal immigration is encouraged when public agencies within this state provide public benefits
7 without verifying immigration status.

8 B. When illegal immigrants have been harbored and sheltered in this state and encouraged
9 to reside in this state through the issuance of identification cards that are issued without verifying
10 immigration status, these practices impede and obstruct the enforcement of federal immigration
11 law, undermine the security of our borders, and impermissibly restrict the privileges and
12 immunities of the citizens of this state.

13 C. Therefore, the people of this state declare that it is a compelling public interest of this
14 state to discourage illegal immigration by requiring all agencies within this state to fully cooperate
15 with federal immigration authorities in the enforcement of federal immigration laws.

16 D. Other measures are necessary to ensure the integrity of various governmental programs
17 and services.

18
19 Section 3. [*Definitions.*] As used in this Act:

20 1. “Status Verification System” means an electronic system operated by the federal
21 government, through which an authorized official of an agency of this state or of a political
22 subdivision therein may make an inquiry, by exercise of authority delegated pursuant to Section
23 1373 of Title 8 of the United States Code, to verify or ascertain the citizenship or immigration