

2016 -- H 7408

=====  
LC003879  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

—————  
A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CONTROL OF ILLEGAL  
IMMIGRATION

Introduced By: Representatives Roberts, Chippendale, Price, Giarrusso, and Azzinaro

Date Introduced: January 28, 2016

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 158

4 CONTROL OF ILLEGAL IMMIGRATION

5 **42-158-1. Legislative findings.** – (a) Most Rhode Islanders and most Americans are  
6 descendants of immigrants from all regions of the world and Rhode Island continues to welcome  
7 new immigrants who legally seek the opportunities that the state, its economy, and its resources  
8 offer;

9 (b) The presence of a significant number of people illegally residing in the state, creates a  
10 burden on the resources of state and local human services, law enforcement agencies, educational  
11 institutions and other governmental institutions and diminishes opportunities for citizens and  
12 legal immigrants in Rhode Island;

13 (c) Congress in 1996 amended the Immigration and Nationality Act, 8 U.S.C. §1373(c),  
14 to allow government entities or officials to send to or receive from the Immigration and  
15 Naturalization Service information regarding the citizenship or immigration status, lawful or  
16 unlawful, of any individual, and the federal government established the E-Verify program to help  
17 employers electronically verify the employment eligibility of new hires and the validity of their  
18 social security numbers;

1 (d) The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C.  
2 (IIRAIRA) section 287(g), performance of immigration officer functions by state officers and  
3 employees, to the Immigration and Nationality Act (INA), and authorizes the Secretary of the  
4 United States Department of Homeland Security to enter into agreements with state and local law  
5 enforcement agencies, permitting designated officers to perform immigration law enforcement  
6 functions pursuant to a Memorandum of Agreement (MOA); provided, that the local law  
7 enforcement officers received appropriate training and function under the supervision of sworn  
8 United States Immigration and Customs Enforcement (ICE) officers; and

9 (e) Law enforcement can more effectively combat criminal activity related to illegal  
10 immigration if federal, state and local authorities work on a cooperative basis.

11 **42-158-2. Use of E-Verify.** – (a) The department of administration shall register and use  
12 the federal government’s E-Verify program to electronically verify the employment eligibility of  
13 new hires in the executive department and the validity of their social security numbers to ensure  
14 that all employees of the executive department are legally eligible to be employed in the United  
15 States and take appropriate action against those that are not eligible for employment, consistent  
16 with federal and state law. For purposes of this chapter, the executive department is considered to  
17 be all agencies and departments in the executive department, excluding the offices of general  
18 officers, said officers being the department of attorney general, lieutenant governor, secretary of  
19 state, and general treasurer.

20 (b) The department of administration shall require that all persons and businesses,  
21 including grantees, contractors and their subcontractors and vendors, doing business with the state  
22 of Rhode Island to register with and utilize the services of the E-Verify program to ensure  
23 compliance with federal and state law.

24 **42-158-3. Identity theft.** – The directors of each department and state agency in the  
25 executive department shall attempt to notify any person whose identity was stolen or otherwise  
26 improperly used by any person in order to receive any benefit, including, but not limited to, child  
27 care, health care, any government issued identification card, including driver's license and non-  
28 driver's license identification, welfare or employment.

29 **42-158-4. State police to secure agreement.** – The Rhode Island state police, pursuant to  
30 the authority set forth in 8 U.S.C. §287(g) of IIRAIRA and INA, shall work to secure a MOA  
31 with ICE to receive training necessary to enable them to assist ICE personnel in the enforcement  
32 of federal immigration laws.

33 **42-158-5. Cooperation by department of corrections and parole board.** – (a) The  
34 department of corrections shall also work with ICE officials to secure an MOA that will define

1 the scope of state correctional personnel authority to perform certain immigration law  
2 enforcement functions and shall be subject to the cross-supervision of ICE which may permit  
3 certain correctional personnel to complete appropriate training and function under the supervision  
4 of sworn ICE officers to combat illegal immigration issues at the adult correctional institution,  
5 consistent with federal and state law.

6 (b) The parole board and the department of corrections shall work cooperatively with ICE  
7 personnel to provide for the parole and deportation of criminal aliens.

8 **42-158-6. General provisions.** – All law enforcement officials, including state and local  
9 law enforcement agencies, shall take steps to support the enforcement of federal immigration  
10 laws by investigating and determining the immigration status of all non-citizens taken into  
11 custody, incarcerated, or under investigation for any crime and notifying federal authorities of all  
12 illegal immigrants discovered as a result of such investigations.

13 **42-158-7. Savings clause.** – Nothing in this chapter shall be construed to supersede,  
14 contravene or conflict with any federal or state law or regulation or deny a person's rights under  
15 the Rhode Island or United States Constitution, and to this extent employees of the executive  
16 department may act independently of the provisions of this chapter in order to avoid such conflict  
17 or violation.

18 SECTION 2. This act shall take effect upon passage.

=====  
LC003879  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CONTROL OF ILLEGAL  
IMMIGRATION

\*\*\*

1           This act would codify into law the provisions of then-governor Carcieri's Executive  
2 Order 2008-01 dated March 27, 2008, entitled "Illegal Immigration Control Order" which would  
3 require the department of administration to order the executive departments to utilize the E-  
4 Verify program to verify the employment eligibility of new hires in said departments and  
5 businesses doing business for the departments.

6           This act would take effect upon passage.

=====  
LC003879  
=====