

SECOND REGULAR SESSION

# HOUSE BILL NO. 2100

97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BROWN.

5782H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 208.009, RSMo, and to enact in lieu thereof one new section relating to public assistance for illegal aliens.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 208.009, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.009, to read as follows:

208.009. 1. No alien unlawfully present in the United States shall receive any state or local public benefit, except for state or local public benefits that may be offered under 8 U.S.C. 1621(b). Nothing in this section shall be construed to prohibit the rendering of emergency medical care, prenatal care, services offering alternatives to abortion, emergency assistance, or legal assistance to any person.

2. As used in this section, "public benefit" means any grant, contract, or loan provided by an agency of state or local government; or any retirement, welfare, health, disability, housing, or food assistance benefit under which payments, assistance, credits, or reduced rates or fees are provided. The term "public benefit" shall not include postsecondary education public benefits as defined in section 173.1110, any municipal permit, or contracts or agreements between public utility providers and their customers or unemployment benefits payable under chapter 288. The unemployment compensation program shall verify the lawful presence of an alien for the purpose of determining eligibility for benefits in accordance with its own procedures.

3. In addition to providing proof of other eligibility requirements, at the time of application for any state or local public benefit, an applicant who is eighteen years of age or older shall provide affirmative proof that the applicant is a citizen or a permanent resident of the United States or is lawfully present in the United States. Such affirmative proof shall include documentary evidence recognized by the department of revenue when processing an application

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 for a driver's license, a Missouri driver's license, as well as any document issued by the federal  
20 government that confirms an alien's lawful presence in the United States. In processing  
21 applications for public benefits, an employee of an agency of state or local government shall not  
22 inquire about the legal status of a custodial parent or guardian applying for a public benefit on  
23 behalf of his or her dependent child who is a citizen or permanent resident of the United States.

24 4. [An applicant who cannot provide the proof required under this section at the time of  
25 application may alternatively sign an affidavit under oath, attesting to either United States  
26 citizenship or classification by the United States as an alien lawfully admitted for permanent  
27 residence, in order to receive temporary benefits or a temporary identification document as  
28 provided in this section. The affidavit shall be on or consistent with forms prepared by the state  
29 or local government agency administering the state or local public benefits and shall include the  
30 applicant's Social Security number or any applicable federal identification number and an  
31 explanation of the penalties under state law for obtaining public assistance benefits fraudulently.

32 5. An applicant who has provided the sworn affidavit required under subsection 4 of this  
33 section is eligible to receive temporary public benefits as follows:

34 (1) For ninety days or until such time that it is determined that the applicant is not  
35 lawfully present in the United States, whichever is earlier; or

36 (2) Indefinitely if the applicant provides a copy of a completed application for a birth  
37 certificate that is pending in Missouri or some other state. An extension granted under this  
38 subsection shall terminate upon the applicant's receipt of a birth certificate or a determination  
39 that a birth certificate does not exist because the applicant is not a United States citizen.

40 6.] An applicant who is an alien shall not receive any state or local public benefit unless  
41 the alien's lawful presence in the United States is first verified by the federal government. State  
42 and local agencies administering public benefits in this state shall cooperate with the United  
43 States Department of Homeland Security in achieving verification of an alien's lawful presence  
44 in the United States in furtherance of this section. The system utilized may include the  
45 Systematic Alien Verification for Entitlements Program operated by the United States  
46 Department of Homeland Security. After an applicant's lawful presence in the United States has  
47 been verified through the Systematic Alien Verification for Entitlements Program, no additional  
48 verification is required within the same agency of the state or local government.

49 [7.] 5. The provisions of this section shall not be construed to require any nonprofit  
50 organization duly registered with the Internal Revenue Service to enforce the provisions of this  
51 section, nor does it prohibit such an organization from providing aid.

52 [8. Any agency that administers public benefits shall provide assistance in obtaining  
53 appropriate documentation to persons applying for public benefits who sign the affidavit required  
54 by subsection 4 of this section stating they are eligible for such benefits but lack the documents  
55 required under subsection 3 of this section.]

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