A Bill

For An Act To Be Entitled
AN ACT TO PROHIBIT ILLEGAL ALIENS FROM RECEIVING ANY STATE BENEFIT EXCEPT IN INSTANCES OF EMERGENCY OR WHEN LIFE-SAVING MEASURES ARE REQUIRED; AND FOR OTHER PURPOSES.

Subtitle
TO PROHIBIT ILLEGAL ALIENS FROM RECEIVING ANY STATE BENEFIT EXCEPT IN INSTANCES OF EMERGENCY OR WHEN LIFE-SAVING MEASURES ARE REQUIRED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 60, Subchapter 2 is amended to add a new section to read as follows:
A person who is not a United States citizen or who is present in the United States illegally shall be considered an out-of-state resident for the purposes of tuition at an institution of higher education in this state.

SECTION 2. Arkansas Code Title 6, Chapter 80, Subchapter 1 is amended to add a new section to read as follows:
A benefit offered or administered under this chapter shall not be available to a person who is not a United States citizen or who is present in the United States illegally.
SECTION 3. Arkansas Code Title 6, Chapter 82, Subchapter 1 is amended to add a new section to read as follows:

A benefit offered or administered under this chapter shall not be available to a person who is not a United States citizen or who is present in the United States illegally.

SECTION 4. Arkansas Code Title 20, Chapter 76, Subchapter 1 is amended to add a new section to read as follows:

20-76-114. Prohibition against providing public benefits to persons who are not lawfully present in the United States.

(a) As used in this section, “state agency” means any office, department, board, commission, bureau, division, public corporation, agency, or instrumentality of this state, including without limitation a public institution of higher education.

(b) Except in cases involving emergency or life-saving measures, or when exempted by federal law, a state benefit under this chapter shall not be given to a person who is not lawfully present in the United States.

(c)(1) A state agency that administers a state benefit under this chapter shall verify that a person applying for state benefits is lawfully present in the United States before administering a state benefit to the applicant.

(A) A state agency required to verify under this section a person’s lawful presence in the United States shall require that the person execute an affidavit under penalty of perjury that he or she is:

(i) A United States citizen; or

(ii) Otherwise lawfully present in the United States.

(B) The state agency that administers the state benefit shall provide notary public services at no cost to the applicant.

(d) Beginning July 1, 2011, each state agency or political subdivision shall document and maintain the types of benefits and dollar amounts of benefits provided to persons who are found to be not lawfully present in the United States.

(e) This section shall be enforced without regard to race, religion,
gender, ethnicity, or national origin.

(f) A person who knowingly makes a false statement of lawful presence or United States citizenship as required under subsection (c) of this section upon conviction is guilty of a Class D felony.