

SECOND REGULAR SESSION

HOUSE BILL NO. 1655

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NANCE (Sponsor), NOLTE, COX, STREAM, PORTWOOD,
GRILL, YATES, RUZICKA, DAVIS, COOPER (155), CUNNINGHAM (86),
WILSON (130) AND BROWN (30) (Co-sponsors).

Read 1st time January 15, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3938L.01I

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to public benefits for aliens.

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

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be
2 known as section 208.009, to read as follows:

**208.009. 1. No alien unlawfully present in the United States shall receive any state
2 or local public benefit, except for state or local public benefits that are required to be
3 offered by 8 U.S.C. 1621(b). Nothing in this section shall be construed to prohibit the
4 rendering of emergency medical care, emergency assistance, or legal assistance to any
5 person.**

**6 2. As used in this section "public benefit" means any grant, contract, loan, or
7 license provided by an agency of state or local government; or any retirement, welfare,
8 health, disability, housing, postsecondary education, food assistance, or unemployment
9 benefit under which payments, assistance, credits, or reduced rates or fees are provided.**

**10 3. In addition to providing proof of other eligibility requirements, at the time of
11 application for any state or local public benefit, an applicant who is eighteen years of age
12 or older shall provide affirmative proof that the applicant is a citizen or a permanent
13 resident of the United States or is lawfully present in the United States. Such affirmative**

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.

14 **proof shall include documentary evidence recognized by the department of revenue when**
15 **processing an application for a driver's license, as well as any document issued by the**
16 **federal government that confirms an alien's lawful presence in the United States.**

17 **4. An applicant who cannot provide the proof required under this section at the**
18 **time of application may alternatively sign an affidavit under oath, attesting to either United**
19 **States citizenship or classification by the United States as an alien lawfully admitted for**
20 **permanent residence, in order to receive temporary benefits or a temporary identification**
21 **document as provided in this section. The affidavit shall include the applicant's Social**
22 **Security number and an explanation of the penalties under state law for obtaining public**
23 **assistance benefits fraudulently.**

24 **5. An applicant who has provided the sworn affidavit required under subsection**
25 **4 of this section is eligible to receive temporary public benefits as follows:**

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

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

33 **6. An applicant who is an alien shall not receive any state or local public benefit**
34 **unless the alien's lawful presence in the United States is first verified by the federal**
35 **government, under 8 U.S.C. 1373(c). State and local agencies administering public benefits**
36 **in this state shall cooperate with the United States Department of Homeland Security in**
37 **achieving verification of an alien's lawful presence in the United States in furtherance of**
38 **this section. The system utilized may include the Systematic Alien Verification for**
39 **Entitlements Program operated by the United States Department of Homeland Security.**

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