

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1292

5 By: Representatives Hubbard, Deffenbaugh, Eubanks, Harris, Stubblefield  
6

## For An Act To Be Entitled

8 AN ACT TO PROHIBIT ILLEGAL ALIENS FROM RECEIVING ANY  
9 STATE BENEFIT EXCEPT IN INSTANCES OF EMERGENCY OR  
10 WHEN LIFE-SAVING MEASURES ARE REQUIRED; AND FOR OTHER  
11 PURPOSES.  
12  
13

## Subtitle

14 TO PROHIBIT ILLEGAL ALIENS FROM RECEIVING  
15 ANY STATE BENEFIT EXCEPT IN INSTANCES OF  
16 EMERGENCY OR WHEN LIFE-SAVING MEASURES  
17 ARE REQUIRED.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code Title 6, Chapter 60, Subchapter 2 is amended  
24 to add a new section to read as follows:

25 6-60-214. Persons in the United States illegally.

26 A person who is not a United States citizen or who is present in the  
27 United States illegally shall be considered an out-of-state resident for the  
28 purposes of tuition at an institution of higher education in this state.  
29

30 SECTION 2. Arkansas Code Title 6, Chapter 80, Subchapter 1 is amended  
31 to add a new section to read as follows:

32 6-80-108. Persons in the United States illegally.

33 A benefit offered or administered under this chapter shall not be  
34 available to a person who is not a United States citizen or who is present in  
35 the United States illegally.  
36



1  
2 SECTION 3. Arkansas Code Title 6, Chapter 82, Subchapter 1 is amended  
3 to add a new section to read as follows:

4 6-82-107. Persons in the United States illegally.

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

8  
9 SECTION 4. Arkansas Code Title 20, Chapter 76, Subchapter 1 is amended  
10 to add a new section to read as follows:

11 20-76-114. Prohibition against providing public benefits to persons  
12 who are not lawfully present in the United States.

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

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

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

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

27 (i) A United States citizen; or

28 (ii) Otherwise lawfully present in the United  
29 States.

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

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

36 (e) This section shall be enforced without regard to race, religion,

1 gender, ethnicity, or national origin.

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

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36