

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1157

By: Coates

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5  
6 AS INTRODUCED

7 An Act relating to public health; amending Section 8,  
8 Chapter 112, O.S.L. 2007 (56 O.S. Supp. 2007, Section  
9 71), which relates to verification of lawful presence  
10 of applicants for public benefits; providing  
11 exception for prenatal care; and declaring an  
12 emergency.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY Section 8, Chapter 112, O.S.L.  
15 2007 (56 O.S. Supp. 2007, Section 71), is amended to read as  
16 follows:

17 Section 71. A. Except as provided in subsection C of this  
18 section or where exempted by federal law, every agency or a  
19 political subdivision of this state shall verify the lawful presence  
20 in the United States of any natural person fourteen (14) years of  
21 age or older who has applied for state or local public benefits, as  
22 defined in 8 U.S.C., Section 1621, or for federal public benefits,  
23 as defined in 8 U.S.C., Section 1611, that is administered by an  
24 agency or a political subdivision of this state.

1 B. The provisions of this section shall be enforced without  
2 regard to race, religion, gender, ethnicity, or national origin.

3 C. Verification of lawful presence under the provisions of this  
4 section shall not be required:

5 1. For any purpose for which lawful presence in the United  
6 States is not restricted by law, ordinance, or regulation;

7 2. For assistance for health care items and services that are  
8 necessary for the treatment of an emergency medical condition, as  
9 defined in 42 U.S.C., Section 1396b(v)(3), of the alien involved and  
10 are not related to an organ transplant procedure;

11 3. For short-term, noncash, in-kind emergency disaster relief;

12 4. For public health assistance for immunizations with respect  
13 to diseases and for testing and treatment of symptoms of  
14 communicable diseases whether or not such symptoms are caused by a  
15 communicable disease; ~~or~~

16 5. For public health assistance with respect to prenatal care;  
17 or

18 6. For programs, services, or assistance such as soup kitchens,  
19 crisis counseling and intervention, and short-term shelter specified  
20 by the United States Attorney General, in the sole and unreviewable  
21 discretion of the United States Attorney General after consultation  
22 with appropriate federal agencies and departments which:  
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1 a. deliver in-kind services at the community level,  
2 including through public or private nonprofit  
3 agencies,

4 b. do not condition the provision of assistance, the  
5 amount of assistance provided, or the cost of  
6 assistance provided on the income or resources of the  
7 individual recipient, and

8 c. are necessary for the protection of life or safety.

9 D. Verification of lawful presence in the United States by the  
10 agency or political subdivision required to make such verification  
11 shall require that the applicant execute an affidavit under penalty  
12 of perjury that:

13 1. He or she is a United States citizen; or

14 2. He or she is a qualified alien under the federal Immigration  
15 and Nationality Act and is lawfully present in the United States.

16 The agency or political subdivision providing the state or local  
17 public benefits shall provide notary public services at no cost to  
18 the applicant.

19 E. For any applicant who has executed the affidavit described  
20 in paragraph 2 of subsection D of this section, eligibility for  
21 benefits shall be verified through the Systematic Alien Verification  
22 for Entitlements (SAVE) Program operated by the United States  
23 Department of Homeland Security or an equivalent program designated  
24 by the United States Department of Homeland Security. Until such

1 eligibility verification is made, the affidavit may be presumed to  
2 be proof of lawful presence for the purposes of this section.

3 F. Any person who knowingly and willfully makes a false,  
4 fictitious, or fraudulent statement of representation in an  
5 affidavit executed pursuant to subsection D of this section shall be  
6 subject to criminal penalties applicable in this state for  
7 fraudulently obtaining public assistance program benefits. If the  
8 affidavit constitutes a false claim of U.S. citizenship under 18  
9 U.S.C., Section 911, a complaint shall be filed by the agency  
10 requiring the affidavit with the United States Attorney General for  
11 the applicable district based upon the venue in which the affidavit  
12 was executed.

13 G. Agencies or political subdivisions of this state may adopt  
14 variations to the requirements of the provisions of this section  
15 which demonstrably improve the efficiency or reduce delay in the  
16 verification process, or to provide for adjudication of unique  
17 individual circumstances where the verification procedures in this  
18 section would impose unusual hardship on a legal resident of  
19 Oklahoma.

20 H. It shall be unlawful for any agency or a political  
21 subdivision of this state to provide any state, local, or federal  
22 benefit, as defined in 8 U.S.C., Section 1621, or 8 U.S.C., Section  
23 1611, in violation of the provisions of this section.

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1 I. Each state agency or department which administers any  
2 program of state or local public benefits shall provide an annual  
3 report to the Governor, the President Pro Tempore of the Senate and  
4 the Speaker of the House of Representatives with respect to its  
5 compliance with the provisions of this section. Each agency or  
6 department shall monitor the Systematic Alien Verification for  
7 Entitlements Program for application verification errors and  
8 significant delays and shall provide an annual public report on such  
9 errors and significant delays and recommendations to ensure that the  
10 application of the Systematic Alien Verification of Entitlements  
11 Program is not erroneously denying benefits to legal residents of  
12 Oklahoma. Errors shall also be reported to the United States  
13 Department of Homeland Security by each agency or department.

14 SECTION 2. It being immediately necessary for the preservation  
15 of the public peace, health and safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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