

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 740

By: Brooks

AS INTRODUCED

An Act relating to public benefits; amending 56 O.S. 2021, Section 71, which relates to verification of lawful presence of applicants; modifying definition; updating statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 2021, Section 71, is amended to read as follows:

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

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

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

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

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

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

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

14 5. For application of special volunteer health care licenses
15 that specify the eligible volunteer shall be either retired from
16 practice in this state or actively licensed with a clean record in
17 another state and that such eligible volunteer shall not receive or
18 have the expectation to receive any payment or compensation, either
19 direct or indirect, for any services rendered in this state under
20 the special volunteer license; or

21 6. For programs, services, or assistance such as soup kitchens,
22 crisis counseling and intervention, and short-term shelter specified
23 by the United States Attorney General, in the sole and unreviewable
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1 discretion of the United States Attorney General after consultation
2 with appropriate federal agencies and departments which:

3 a. deliver in-kind services at the community level,
4 including through public or private nonprofit
5 agencies,

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

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

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

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

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

18 The agency or political subdivision providing the state or local
19 public ~~benefits~~ benefit shall provide notary public services at no
20 cost to the applicant.

21 E. For any applicant who has executed the affidavit described
22 in paragraph 2 of subsection D of this section, eligibility for
23 benefits shall be verified through the Systematic Alien Verification
24 for Entitlements (SAVE) Program operated by the United States

1 Department of Homeland Security or an equivalent program designated
2 by the United States Department of Homeland Security. Until such
3 eligibility verification is made, the affidavit may be presumed to
4 be proof of lawful presence for the purposes of this section.

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

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

22 H. It shall be unlawful for any agency or a political
23 subdivision of this state to provide any state, local, or federal
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1 benefit, as defined in 8 U.S.C., Section 1621, or 8 U.S.C., Section
2 1611, in violation of the provisions of this section.

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

16 J. As used in this section, "state or local public benefit" has
17 the same meaning as provided by 8 U.S.C., Section 1621(c)(1)(B), but
18 does not include for purposes of this section 8 U.S.C., Section
19 1621(c)(1)(A).

20 SECTION 2. This act shall become effective November 1, 2023.

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