

Anti-Immigrants' Rights Legislation in 2011

SB 7 – “Hurt and Run” bill, Sen. Bill Heath

Status: Assigned to the Senate Insurance and Labor Committee

SB 7 would ban undocumented workers from collecting workers' comp benefits for on-the-job injuries.

SB 27 – “Force Employers to Use Inaccurate Database” bill, Sen. Judson Hill

Status: Assigned to the Senate Judiciary Committee

SB 27 requires use of E-Verify by public contractors and sub-contractors and establishes non-compliance penalties, including civil and criminal sanctions.

SB 40, SB 104, HB 87– “Show Me Your Papers” AZ copycat bills, Sen. Jack Murphy, Sen. Jeff Mullis, Rep. Matt Ramsey

Status of SB 40: Assigned to the Senate Judiciary Committee

Status of SB 104: Assigned to the Senate Judiciary Committee

Status of HB 87: Passed out of House Judiciary Non-Civil Committee; will be up for House floor vote

HB 87 would require private employers to use the flawed E-Verify database and establishes civil sanctions in case of non-compliance. The bill creates criminal penalties for any individual that while in violation of another criminal offense encourages an undocumented person to come to Georgia or transports or harbors them once they arrive. The bill provides additional incentives for localities to enter into 287(g) or “Secure Communities.” It would also allow any “legal resident” to bring a lawsuit against any Georgia official or agency to force them to enforce provisions of the bill.

SB 40 mirrors several provisions of HB 87, such as penalizing certain employers that do not use E-Verify. SB 40 also orders fines and jail time for certain non-citizens that do not carry a “certificate of registration.” The bill further authorizes state and local law enforcement to detain individuals for an unspecified period of time to determine their status.

SB 104 requires *all* employers to use E-Verify and establishes penalties for non-compliance. The bill further criminalizes unauthorized presence in the state, would allow lawsuits by individuals against officials or agencies that adopt sanctuary policies, and establishes penalties for day laborers seeking work as well as those who hire them, if flow of traffic is impeded. It also criminalizes working as an undocumented immigrant as well as knowingly or intentionally hiring undocumented workers.

All three bills also require the police to investigate individuals' immigration status in the course of an offense, including traffic stops, where there is “reasonable suspicion” or “reasonable cause” to believe that they may be undocumented, or where they cannot produce one of a specified set of documents. SB 104 and SB 40 also give police the power to make warrantless arrests.

- The bills are unconstitutional and violate core American values of fairness and equality.
- The bills encourage law enforcement officers throughout Georgia to use racial profiling as a tool. This would destroy trust and divert law enforcement resources away from community policing.
- If passed, all Georgians will have to carry ID on them at all times in order to avoid being detained while police try to determine their status. This would in effect turn Georgia into a police state.



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- The bills will hurt state and local economies and lead to a tremendous loss in tourism revenues. If passed, the bills will also subject the state to exorbitant litigation costs.
- E-Verify databases are loaded with inaccuracies. Businesses that use E-Verify report that 10 -15% of eligible workers are deemed ineligible by the system, and that, errors disproportionately affect lawful residents and naturalized citizens.

SB 174 – “Force Counties to Enter into Failed Fed. Programs” bill, Sen. Charlie Bethel

Status: *Assigned to the Senate Judiciary Committee*

This bill would require all counties to participate in ICE’s “Secure Communities” Program and counties that have a population of 100,000 or more per the last census to enter into 287(g). Non-compliance would result in loss of state funding.

HB 59 – “Destroying the DREAMS” bill, Rep. Tom Rice

Status: *Passed out of the House Higher Education Committee; will be up for a House floor vote*

HB 59 would prohibit all 35 public universities and colleges as well as 26 in the Technical College System of Georgia from admitting undocumented students, regardless of their academic qualifications.

- Denying higher education access to Georgia’s undocumented students fails to capitalize on the state’s investment in the students’ K-12 education. Many students are likely to remain in Georgia and may well regularize their immigration status under current or future federal laws.
- Allowing students who graduate from Georgia high schools to enroll in college furthers principles of fundamental fairness. Undocumented students are by and large talented high achievers who arrived here as children. They persevered against the odds to earn their admission to college.
- Enforcement of this policy is a waste of resources. Only 501 of 310,000 students within the university system were found to be undocumented and they already pay out-of-state tuition.

HB 72 – “English Only Driver’s License Exam” bill, Rep. James Mills

Status: *Tabled in House*

HB 72 requires administration of driver’s license exams only in English, while carving out an exception for certain non-citizens eligible for a temporary driver’s license who may take the exam in another language for a period not exceeding 10 years. The bill would directly impact U.S. citizens and legal permanent residents for whom English is not the primary language.

HB 296 –“Forcing Teachers, Doctors to Act as Immigration Agents” bill, Rep. Josh Clark

Status: *Assigned to the House Judiciary Non-Civil Committee*

HB 296 mandates State Board of Ed. and all school boards to collect and publish data annually on number and costs associated with undocumented students in grades K - 12. Dept. of Community Health is also mandated to compile, maintain, and publish data on undocumented patients at any hospital or any other facility or organization rendering patient care.

- This bill goes after children who were brought to the U.S. through no choice of their own.
- This bill is clearly designed to deter immigrant children from enrolling in public schools, thereby infringing on their constitutional right to Equal Protection under the 14th Amendment.

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