

1 REAL ID ACT COMPLIANCE AMENDMENTS

2 2018 THIRD SPECIAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Wayne A. Harper

5 House Sponsor: Eric K. Hutchings

7 LONG TITLE

8 General Description:

9 This bill repeals provisions prohibiting compliance with the REAL ID Act of 2005.

10 Highlighted Provisions:

11 This bill:

- 12 ▶ repeals provisions prohibiting compliance with the REAL ID Act of 2005; and
- 13 ▶ makes technical changes.

14 Money Appropriated in this Bill:

15 None

16 Other Special Clauses:

17 None

18 Utah Code Sections Affected:

19 AMENDS:

20 76-9-1007, as enacted by Laws of Utah 2011, Chapter 21

21 REPEALS:

22 53-3-104.5, as enacted by Laws of Utah 2010, Chapter 253

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section 76-9-1007 is amended to read:

26 76-9-1007. **Determining an alien's immigration status -- Transfer or maintenance**
27 **of information.**

28 [(+) Except as limited by federal law, any state or local governmental agency is not
29 restricted or prohibited in any way from sending, receiving, or maintaining information related

30 to the lawful or unlawful immigration status of any person by communicating with any federal,
31 state, or local governmental entity for any lawful purpose, including:

32 [(a)] (1) determining a person's eligibility for any public benefit, service, or license
33 provided by any federal agency, by this state, or by any political subdivision of this state;

34 [(b)] (2) confirming a person's claim of residence or domicile if determination is
35 required by state law or a judicial order issued pursuant to a civil or criminal proceeding in this
36 state;

37 [(c)] (3) if the person is an alien, determining if the person is in compliance with the
38 federal registration laws of Title II, Part 7, Immigration and Nationality Act; or

39 [(d)] (4) a valid request for verification of the citizenship or immigration status of any
40 person pursuant to 8 U.S.C. Sec. 1373.

41 ~~[(2) This section does not implement, authorize, or establish the federal REAL ID Act~~
42 ~~of 2005, P.L. 109-13, Division B; 119 Stat. 302, except as provided by Section 53-3-104.5;~~
43 ~~regarding limitations on the state implementation of the federal REAL ID Act.]~~

44 Section 2. **Repealer.**

45 This bill repeals:

46 Section **53-3-104.5, Legislative finding -- Prohibition on implementing REAL ID**
47 **Act.**