

# Proposition 187: Text of Proposed Law

*1994 - California*

This initiative measure adds sections to various codes; therefore, new provisions proposed to be added are printed in {+ italic type +} to indicate that they are new.

## PROPOSED LAW

### SECTION 1. Findings and Declaration.

The People of California find and declare as follows:

- That they have suffered and are suffering economic hardship caused by the presence of illegal aliens in this state.
- That they have suffered and are suffering personal injury and damage caused by the criminal conduct of illegal aliens in this state.
- That they have a right to the protection of their government from any person or persons entering this country unlawfully.

Therefore, the People of California declare their intention to provide for cooperation between their agencies of state and local government with the federal government, and to establish a system of required notification by and between such agencies to prevent illegal aliens in the United States from receiving benefits or public services in the State of California.

### SECTION 2. Manufacture, Distribution or Sale of False Citizenship or Resident Alien Documents: Crime and Punishment.

Section 113 is added to the Penal Code, to read:

{+ 113. Any person who manufactures, distributes or sells false documents to conceal the true citizenship or resident alien status of another person is guilty of a felony, and shall be punished by imprisonment in the state prison for five years or by a fine of seventy-five thousand dollars (\$75,000). +}

SECTION 3. Use of False Citizenship or Resident Alien Documents: Crime and Punishment.

Section 114 is added to the Penal Code, to read:

{+ 114. Any person who uses false documents to conceal his or her true citizenship or resident alien status is guilty of a felony, and shall be punished by imprisonment in the state prison for five years or by a fine of twenty-five thousand dollars (\$25,000). +}

SECTION 4. Law Enforcement Cooperation with INS.

Section 834b is added to the Penal Code, to read:

{+ 834b. (a) Every law enforcement agency in California shall fully cooperate with the United States Immigration and Naturalization Service regarding any person who is arrested if he or she is suspected of being present in the United States in violation of federal immigration laws. +}

SECTION 5. Exclusion of Illegal Aliens from Public Social Services.

Section 10001.5 is added to the Welfare and Institutions Code, to read:

{+ 10001.5. (a) In order to carry out the intention of the People of California that only citizens of the United States and aliens lawfully admitted to the United States may receive the benefits of public social services and to ensure that all persons employed in the providing of those services shall diligently protect public funds from misuse, the provisions of this section are adopted. +}

{+ (b) A person shall not receive any public social services to which he or she may be otherwise entitled until the legal status of that person has been verified as one of the following: +}

{+ (1) A citizen of the United States. +}

{+ (2) An alien lawfully admitted as a permanent resident. +}

{+ (3) An alien lawfully admitted for a temporary period of time. +}

{+ (c) If any public entity in this state to whom a person has applied for public social services determines or reasonably suspects, based upon the information provided to it, that the person is an alien in the United States in violation of federal law, the following procedures shall be followed by the public entity: +}

{+ (1) The entity shall not provide the person with benefits or services. +}

{+ (2) The entity shall, in writing, notify the person of his or her apparent illegal immigration status, and that the person must either obtain legal status or leave the United States. +}

{+ (3) The entity shall also notify the State Director of Social Services, the Attorney General of California, and the United States Immigration and Naturalization Service of the apparent illegal status, and shall provide any additional information that may be requested by any other public entity. +}

SECTION 6. Exclusion of Illegal Aliens from Publicly Funded Health Care.

Chapter 1.3 (commencing with Section 130) is added to Part 1 of Division 1 of the Health and Safety Code, to read:

{+ Chapter 1.3. Publicly-Funded Health Care Services +}

{+ 130. (a) In order to carry out the intention of the People of California that, excepting emergency medical care as required by federal law, only citizens of the United States and aliens lawfully admitted to the United States may receive the benefits of publicly-funded health care, and to ensure that all persons employed in the providing of those services shall diligently protect public funds from misuse, the provisions of this section are adopted. +}

*Sections (b) and (c) similar to those lettered sections from Section 5 above.*

SECTION 7. Exclusion of Illegal Aliens from Public Elementary and Secondary Schools.  
Section 48215 is added to the Education Code, to read:

{+ 48215. (a) No public elementary or secondary school shall admit, or permit the attendance of, any child who is not a citizen of the United States, an alien lawfully admitted as a permanent resident, or a person who is otherwise authorized under federal law to be present in the United States. +}

*Sections (b) and (c) similar to those lettered sections from Section 5 above in that they attempt to identify and then remove all illegal immigrants from the educational system.*

{+ (f) For each child who cannot establish legal status in the United States, each school district shall continue to provide education for a period of ninety days from the date of the notice. Such ninety day period shall be utilized to accomplish an orderly transition to a school in the child's country of origin. Each school district shall fully cooperate in this transition effort to ensure that the educational needs of the child are best served for that period of time. +}

SECTION 8. Exclusion of Illegal Aliens from Public Postsecondary Educational Institutions.

Section 66010.8 is added to the Education Code, to read:

{+ 66010.8. (a) No public institution of postsecondary education shall admit, enroll, or permit the attendance of any person who is not a citizen of the United States, an alien lawfully admitted as a permanent resident in the United States, or a person who is otherwise authorized under federal law to be present in the United States. +}

*Sections (b) and (c) similar to those lettered sections from Section 5 above in that they attempt to identify and then remove all illegal immigrants from the educational system.*