

Georgia insight

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"She hath done what she could." Mark, 14:8a

March 10, 2006

If Passed, Georgia's Immigration Law Could Set National Standard

S.B. 529 was a long time coming and harshly criticized by some Democrat senators, although seven Democrats voted for it. The gallery was full of Mexicans whom Senator Fort turned and directed from the Senate floor to mobilize better if the bill passed, which it did.

Mexicans who didn't make it into the gallery stood around monitors outside the Senate chamber to hear the debate, while those with no picture I.D. milled around outside because they couldn't get through Capitol security. When interviewed by media personnel, some didn't speak enough English to communicate without help from translators.

S.B. 529, **Georgia Security and Immigration Compliance Act**, worked its way through the Senate Public Safety and Homeland Security Committee that offered a substitute bill that was slightly amended during 108 minutes of debate and voting March 8th. Seven Democrats joined 33 Republicans to pass it 40 to 13. Provisions of the bill will be in effect July 1, 2006.

The *Commissioner of Labor* must provide forms, rules and regulations needed to comply with workplace provisions of this bill. The *Law Enforcement Support Center (LESC)* must **verify the nationality of anyone booked into jail and charged with a felony** anywhere in the state. If proven to be in the U.S. illegally, they will be reported to the *Department of Homeland Security*. Guidelines and procedures for handling such prisoners will be prepared and issued by the *Public Safety Training Center*, in cooperation with the Georgia Sheriff's Association; the Departments of Public Safety, Economic Development, and Driver Services; as well as, the Prosecuting Attorneys' Council of Georgia.

A new division will be added under the *Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act* to handle crimes of trafficking in persons for labor or sexual servitude, which is a felony. Convictions could mean one to 20 years in prison or prison for 10 to 20 years if the victim is under 18 years old. Each violation will be a separate offense not to be merged with any other. Property used in these crimes will be forfeited to the state.

The **Registration of Immigration Assistance Act** section of S.B. 529 requires creation of enforcement standards of ethics for individuals who are *not licensed attorneys* but are in the business of providing immigration related information to customers or prospective customers. Before providing such assistance to immigrants, a *business license* must be obtained from the Secretary of State, plus any licensure required by a local government. Immigration assistance providers *may not* suggest legal action or give legal advice, analysis, judgment, or interpretations of the law. They *may* complete government agency forms for customers, *if* doing so does not involve a legal judgment. They *may* transcribe responses to government immigration forms, *but* transcribers *may not* provide answers for the forms.

Immigration assistance may include translating, securing documents such as birth and marriage certificates, notarizing signatures, referring (without fee) to attorneys, preparing for pictures and fingerprints, arranging medical tests and getting test results, teaching English and civics.

At the place of business separate signs, at least 12 inches by 17 inches, must be posted in English and every other language in which the person provides immigration assistance. The signs must state, "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." That same statement must be conspicuously contained on each piece of written communication used as advertisement, stationery, letterhead, business card or other such written material. Radio and television ads may be modified but must include substantially the same message.

Terms and titles that *may not* be translated from English into other languages include notary public, notary, licensed, attorney, lawyer, or other terms that imply the person is an attorney. Violators could be fined up to \$1,000 for each infraction. Providing legal advice, accepting payment for legal advice, refusing to return documents that belong to customers and misrepresenting oneself would be violations. First incidents would be misdemeanors would become high and aggravated misdemeanors for subsequent violations.

Valid identification and employment authorization documents for individuals age 18 or older are limited to those on the list of documents accepted by the Employment eligibility Verification form I-9 of the federal Department of Homeland Security.

A driver's license or I.D. issued to an illegal alien will *not* be accepted as valid documentation for employment, nor will a foreign travel or I.D. document, unless they are among those recognized by the U.S. Department of Homeland Security as evidence of alien registration.

Businesses will *not* be allowed to claim as state income business expense deductions payments or benefits of \$600 or more per year to anyone, *unless* the person has provided valid I.D. and employment authorization documents. An Internal Revenue Service form 1099 will not suffice. **Businesses exempted** are those not required to comply with federal employment verification procedures or those that use an electronic federal work authorization program operated by the U.S. Department of Homeland Security.

Tax-payer-funded state or local public benefits *may not* be provided, unless applicants age 18 or older verify their lawful presence in the U.S. However, verification of legal presence in the U.S. will *not* be required for: emergency medical care that's not related to an organ transplant; short-term, non-cash disaster relief; immunizations for communicable diseases; soup kitchens, crisis counseling and short-term shelter; prenatal care; and post secondary education benefits that comply with all federal law.

Verification of lawful presence in the U.S. will be required of every state agency or political subdivision for applicants age 18 or older who want state or local public benefits or federal public benefits administered by a state agency or political subdivision. Eligibility for benefits must be made through the Systematic Alien Verification of Entitlement (SAVE) program operated by the U.S. Department of Homeland Security or a successor program that Department designates. Knowingly executing a false statement would be a felony punishable by a \$1,000 fine or five years in prison, or both.

ACTION – Support. Contact House Judiciary Non-Civil Committee Representatives Ralston, Ch., 404 656-5943, dralston1@tds.net; Mumford, V-Ch., 656-0254; Setzler, Sec., 656-0126, lesetzler@mactec.com; Abdul-Salaam, 656-0325; Bearden, 656-0287, bearden4house68@aol.com; Bordeaux, 656-6372; Cooper, 656-5024; Franklin, 656-5087; Jacobs, 656-0325, mike@meetmikejacobs.com; Knox, 656-6831, tknox@legis.state.ga.us; Miller, 656-0188; Randall, 656-0109, nrandall@legis.state.ga.us

Do You Know Who Is Working At Your Child's School? **Things *could* change if S.B. 529 passes and is enforced**

Last year Georgians were stunned to learn that the Department of Transportation hires illegal aliens. We didn't know the State was doing that until illegal aliens hired to work on roads were involved in highway traffic accidents while on the job. Still, we don't know how many others work for the State or local governments or where they work or what they do.

We *do* know that illegal aliens who don't have regular jobs congregate at strategic locations to indicate their availability for day labor. In total disregard for laws against encouraging illegal activity or hiring illegal aliens, some local governments, actually, provide specific buildings or locations where illegal alien workers may gather and be protected from the weather, while drive-by employers blithely and willingly break the law to hire them.

But I was stunned again several days ago when I was informed of schools in metro Atlanta that hire illegal aliens to work among students. Not only is that a total disregard for the law, it puts school children in great danger because backgrounds of those illegal aliens are not known.

Does your child's school fingerprint and check criminal records before hiring?
Since July 1, 2000, Georgia law has required all local school employees to be fingerprinted and have a criminal record check. That applies to principals, teachers and other employees *with* certificates from the Professional Standards Commission, as well as personnel *without* a PSC certificate. Law enforcement agencies must obtain the fingerprints and submit them to the National Crime Information Center under FBI or U.S. Department of Justice standards.

Criminal record checks must be made by the Georgia Crime Information Center, the National Crime Information Center, the FBI or the U.S. Department of Justice. Local school systems or job applicants will pay any required fees for background checks.

Custodians must be screened, too. Students moving through halls are prime targets for molestation or other criminal acts, especially, after classes end for the day. A recent metro Atlanta incident proves the fingerprint/record check law is being broken. When it came to light that many school employees *had not been fingerprinted*, arrangements were made to get it done. After that was announced, the entire custodial staff disappeared and never returned to work. Teachers and other school employees took up the slack by sweeping and mopping, etc.

In the same school system, a 55-year-old custodian was fired after the school was provided a newspaper article from his home county reporting that child molestation charges had been brought against him.

Today, many schools are open for children to be dropped off early enough to be fed breakfast before classes begin and they are *still* open for afternoon programs that occupy students until they're picked up, hopefully, before 6:30 p.m. They're walking invitations to crime.

ACTION – (a) Learn whether or not job applicants at your child's school are fingerprinted and have background checks before they are hired. (b) Learn whether or not some have "fallen through the cracks." If so, (c) fingerprints and background checks should be done immediately. (d) If violations have occurred or are occurring, report such to your local board of education and continue up the chain of command until the law is enforced.

March 10th: Critical “Cross-Over” Date On 30th Day This Session

Senate bills that have not passed the Senate into the House and House bills that have not passed the House into the Senate will be dead after the 30th day, March 10th. Bills that don't make that cut-off die unless they are amended to other bills that *did* make the deadline. Some of the following bills made the deadline. Others could still pass the House or Senate on March 10th.

S.B. 429 Requires a Sonogram or Ultrasound before Abortion. Physicians providing abortions must include in patient examinations sonogram or ultrasound images females may view before their baby is aborted. Obstetric sonograms or ultrasounds machines of the late 1950s assessed the gestational age, size and growth of unborn babies. Today, “real-time” scanners show continuous images of the moving fetus on a monitor screen as high frequency sound waves from a transducer are placed on and moved around the mother's abdomen to show the baby in the uterus. Seventy-five percent of females who see these images agree that they are carrying a child, not a blob of tissue. Eight state laws – Alabama, Arkansas, Florida, Indiana, Michigan, South Dakota, Wisconsin and Utah – require obstetric ultrasounds.

ACTION – Support. Contact Non-Civil Judiciary representatives listed under S.B. 123 below.

S.B. 123, Conscience Clause for Pharmacists, allows pharmacist to refuse to fill prescriptions for drugs that terminate pregnancy, if their objections are submitted in writing.

ACTION – Support. House Judiciary Non-Civil Committee Representatives Ralston, Ch., 404 656-5943, dralston1@tds.net; Mumford, V-Ch., 656-0254; Setzler, Sec., 656-0126, lesetzler@mactec.com; Abdul-Salaam, 656-0325; Bearden, 656-0287, bearden4house68@aol.com; Bordeaux, 656-6372; Cooper, 656-5024; Franklin, 656-5087; Jacobs, 656-0325, mike@meetmikejacobs.com; Knox, 656-6831, tknox@legis.state.ga.us; Miller, 656-0188; Randall, 656-0109, nrandall@legis.state.ga.us

S.B. 79 provides funding and credit for elective courses in History and Literature of the Old Testament Era and History and Literature of the New Testament Era. The Bible is the text.

ACTION – Support. Contact the few House Rules Committee members listed below under H.B. 1497.

H.B. 1497 Vicious Dogs. This bill sets standards for the control, reporting and handling of vicious dogs, while designating the owner as liable for any injury or death the dog causes.

ACTION – Support. Contact House Rules Representatives Ehrhart, Ch., 404 656-5141, eaeh@facilitygroup.com; Burneister, 656-5024, sue.burneister@house.ga.gov; Mills, 656-5099; Burkhalter, 656-5072, mark.burkhalter@house.ga.gov; Graves, 657-8440, repdavidgraves@hotmail.com; Keen, 656-5052, jlkeen@bellsouth.net; Walker, 656-5139, lwalker@nfumc.org; and Willard, 656-5124, wendall.willard@house.ga.gov

S.B. 413 requires parental permission for students to join school clubs or drop out of school.

ACTION – Support. Contact House Education Academic/Support Subcommittee Representatives Maxwell, Ch., 656-3904, hmaxwell@legis.state.ga.us; Dickson & Jamieson, 656-0202; Chambers, 656-3949; Holt, 656-0152, doug@dougholt.org; Sims, 656-0151; Setzler, 656-0126, lesetzler@mactec.com; Casas, 656-0254, dcasas@legis.state.ga.us; Talton, 656-0254; Anderson, 656-7859; Jacobs, 656-0325, mike@meetmikejacobs.com; Stanley-Turner & Thomas, 656-0325; Benton, 656-0177; Millar, 656-5064, fran_millar@palmercay.com; and Houston, 656-0202.

H.B. 661 requires parental notification of all school clubs and extracurricular activities.

ACTION – Support. Contact Senate Education & Youth Committee Senators Moody, Ch., 404 463-8055, dmoody@legis.state.ga.us; Carter, 463-1363, joseph@josephcarter2004.com; Don Thomas, 656-6436, dthomas@legis.state.ga.us; Balfour, 656-0095, ss9balfour@aol.com; Douglas, 656-0503, jfdouglas@aol.com; Fort, 656-5091, vfort@legis.state.ga.us; Jack Hill, 656-5038, jhill@legis.state.ga.us; Starr, 656-7586; Regina Thomas, 463-7784, rthoas@legis.state.ga.us; and Weber, 463-2260, djweber@bellsouth.net

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