

_____ offers the following
substitute to SB 6:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding attorneys, so as to provide that a person who is not
3 a United States citizen shall not gain admission to the practice of law or be a duly licensed
4 attorney at law unless such person possesses a lawful alien status; to provide for definitions;
5 to provide for exceptions; to amend Title 20 of the Official Code of Georgia Annotated,
6 relating to education, so as to provide that no certificated professional personnel shall be
7 employed in the public schools of this state unless such personnel possesses United States
8 citizenship or a lawful alien status; to provide for exceptions; to provide that noncitizen
9 students shall not be classified as in-state for tuition purposes at institutions of the University
10 System of Georgia unless such students possess a lawful alien status; to provide that
11 eligibility for HOPE scholarships and grants shall require a lawful alien status for noncitizen
12 students; to provide that noncitizen students shall not be classified as in-state for tuition
13 purposes at certain postsecondary technical schools unless they possess a lawful alien status;
14 to amend Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated,
15 relating to general provisions regarding the Georgia Bureau of Investigation, so as to require
16 the public posting of certain information by the bureau; to amend Chapters 5, 11, and 16 of
17 Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, abandoned
18 motor vehicles, and the Department of Driver Services, respectively, so as to provide that
19 persons who possess a lawful alien status are the only category of noncitizens who may
20 obtain certain licenses, permits, or cards; to provide for the storing and furnishing of
21 information on records of noncitizens by the Department of Driver Services; to provide for
22 driver's privilege cards for persons who are current recipients of grants of deferred
23 deportation action which shall operate the same as drivers' licenses; to provide for
24 exceptions; to provide for the design of drivers' privilege cards; to provide for special
25 identification cards for persons who are current recipients of grants of deferred deportation
26 action; to provide for the design of such special identification cards; to require the
27 Department of Driver Services to obtain fingerprints or another biological characteristic from
28 certain noncitizen applicants prior to the issuance of a driver's privilege or special

29 identification card; to provide that a driver's privilege card and special identification card
 30 issued shall bear thereon the fingerprint of the applicant; to provide for criminal penalties;
 31 to revise penalties for the offense of driving while license is suspended or revoked; to
 32 provide that any motor vehicle operated by a person without a license may be subject to
 33 removal at the discretion of any peace officer; to provide that such motor vehicles shall not
 34 be released for 60 days; to provide for return of the vehicle; to require the Department of
 35 Driver Services to participate in the Records and Information from DMVs for E-Verify
 36 initiative of the United States Department of Homeland Security; to amend Part 1 of Article
 37 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to tax
 38 exemptions, so as to require that applicants for tax exemption who are not United States
 39 citizens possess a lawful alien status; to provide for related matters; to repeal conflicting
 40 laws; and for other purposes.

41 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

42 **SECTION 1.**

43 Article 1 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to
 44 general provisions regarding attorneys, is amended by revising Code Section 15-19-2,
 45 relating to rules governing board of examiners and amount and disposition of examination
 46 fees, as follows:

47 "15-19-2.

48 (a) As used in this subsection, the term:

49 (1) 'Lawful alien status' means an alien status provided for by the federal Immigration
 50 and Nationality Act or any other provision by the United States Congress; provided,
 51 however, that lawful alien status shall not include a grant of any deferred deportation
 52 action from the United States Department of Homeland Security.

53 (2) 'Practice of law' shall have the same meaning as provided for in Code Section
 54 15-19-50.

55 (3) 'SAVE program' means the Systematic Alien Verification for Entitlements program
 56 established by the United States Bureau of Citizenship and Immigration Services.

57 (b) It shall be the duty of the Justices of the Supreme Court to appoint and fix the number,
 58 terms, and compensation of the Board of Bar Examiners, whose powers and duties shall
 59 be as set forth by the Supreme Court by rule. All salaries, fees, and other expenses
 60 incurred in administering the Board of Bar Examiners and the examinations conducted by
 61 the board shall be paid by the Supreme Court.

62 ~~(b)~~(c) The Supreme Court, upon recommendation by the board, shall by rule set the
 63 amount of the examination fee to be paid by the applicants for admission to the bar by

64 examination and shall direct to whom and when the fee shall be paid. The examination fee
65 shall be reasonable and shall be determined in such a manner that the total amount of the
66 fees charged and collected by the board in each fiscal year shall approximate the direct and
67 indirect costs of administering the examination.

68 (d) A person who is not a United States citizen shall not gain admission to the practice of
69 law or be a duly licensed attorney at law unless such person possesses a lawful alien status;
70 provided, however, that such person may be admitted to practice under a licensure of
71 foreign law consultants within the limited scope of practice of such licensure as provided
72 for in the Rules Governing Admission to the Practice of Law of the Supreme Court of
73 Georgia in effect on January 1, 2016. The Board of Bar Examiners shall utilize the
74 procedures in subsection (e) of this Code section before any person may be admitted to the
75 practice of law or become a duly licensed attorney at law.

76 (e)(1) A person, at the time of applying for admission to the practice of law or to become
77 a duly licensed attorney at law, shall execute a signed and sworn affidavit. Such affidavit
78 shall affirm that such person is a United States citizen or possesses a lawful alien status.

79 (2)(A) If a person affirms that he or she possesses a lawful alien status, then the Board
80 of Bar Examiners shall attempt to confirm through the SAVE program that the
81 applicant possesses a lawful alien status.

82 (B) If the SAVE program does not provide sufficient information to the Board of Bar
83 Examiners to make a determination, the board shall be authorized to accept verbal,
84 e-mail, or other means of confirmation of the alien status of the applicant from the
85 Department of Homeland Security.

86 (3)(A) A person shall submit the affidavit required by this subsection on January 1 of
87 each year that such person is admitted to the practice of law or is a duly licensed
88 attorney at law.

89 (B) Any person who knowingly and willfully makes a false, fictitious, or fraudulent
90 statement of representation in an affidavit executed pursuant to this subsection shall be
91 guilty of a violation of Code Section 16-10-20.

92 (4) The Board of Bar Examiners shall create affidavits for use under this subsection.

93 (5) The requirements of the subsection shall not apply to any person who has been
94 admitted to the practice of law in this state or who is a duly licensed attorney at law in
95 this state prior to July 1, 2016."

96 **SECTION 2.**

97 Title 20 of the Official Code of Georgia Annotated, related to education, is amended in Code
98 Section 20-2-200, relating to regulation of certificated professional personnel by Professional

99 Standards Commission, rules and regulations, and fees, by revising subsection (a) and adding
100 a new subsection to read as follows:

101 "(a)(1) As used in this subsection, the term:

102 (A) 'Certified professional personnel' means all professional personnel certificated by
103 the commission and county or regional librarians.

104 (B) 'Lawful alien status' means an alien status provided for by the federal Immigration
105 and Nationality Act or any other provision by the United States Congress; provided,
106 however, that lawful alien status shall not include a grant of any deferred deportation
107 action from the United States Department of Homeland Security.

108 (C) 'SAVE program' means the Systematic Alien Verification for Entitlements program
109 established by the United States Bureau of Citizenship and Immigration Services.

110 (2) The Professional Standards Commission shall provide, by regulation, for certifying
111 and classifying all certificated professional personnel employed in the public schools of
112 this state, including personnel who provide virtual instruction to public schools of this
113 state, whether such personnel are located within or outside of this state or whether such
114 personnel are employed by a local unit of administration. No such personnel shall be
115 employed in the public schools of this state unless they possess United States citizenship
116 or a lawful alien status and hold certificates issued by the commission certifying their
117 qualifications and classification in accordance with such regulations. The commission
118 shall establish such number of classifications of other certificated professional personnel
119 as it may find reasonably necessary or desirable for the operation of the public schools;
120 provided, however, that such classifications shall be based only upon academic, technical,
121 and professional training, experience, and competency of such personnel. The
122 commission is authorized to provide for denying a certificate to an applicant, suspending
123 or revoking a certificate, or otherwise disciplining the holder of a certificate for good
124 cause after an investigation is held and notice and an opportunity for a hearing are
125 provided the certificate holder or applicant in accordance with subsection (d) of Code
126 Section 20-2-984.5. The commission shall designate and define the various
127 classifications of professional personnel employed in the public schools of this state that
128 shall be required to be certificated under this Code section or under Code Section
129 20-2-206. Without limiting the generality of the foregoing, the term 'certificated
130 professional personnel' is defined as all professional personnel certificated by the
131 commission and county or regional librarians. The commission shall utilize the
132 procedures in subsection (a.1) of this Code section before issuing a certificate or renewal
133 certificate to certificated professional personnel.

134 (a.1)(1) A person, at the time of applying for a certificate or renewal certificate, shall
 135 execute a signed and sworn affidavit. Such affidavit shall affirm that such person is a
 136 United States citizen or possesses a lawful alien status.

137 (2)(A) If a person affirms that he or she possesses a lawful alien status, then the
 138 commission shall attempt to confirm through the SAVE program that the applicant
 139 possesses a lawful alien status.

140 (B) If the SAVE program does not provide sufficient information to the commission
 141 to make a determination, the commission shall be authorized to accept verbal, e-mail,
 142 or other means of confirmation of the alien status of the applicant from the Department
 143 of Homeland Security.

144 (3) Any person who knowingly and willfully makes a false, fictitious, or fraudulent
 145 statement of representation in an affidavit executed pursuant to this subsection shall be
 146 guilty of a violation of Code Section 16-10-20.

147 (4) The commission shall create affidavits for use under this subsection.

148 (5) The requirements of United States citizenship and a lawful alien status as provided
 149 for in this subsection shall not apply to any certificated professional personnel who were
 150 certificated prior to July 1, 2016."

151 **SECTION 3.**

152 Said title is further amended in Code Section 20-3-66, relating to determination of in-state
 153 resident status of students for tuition or fees, by revising subsections (a) and (d) and adding
 154 a new subsection to read as follows:

155 "(a) As used in this Code section, the term:

156 (1) 'Dependent student' means an individual under the age of 24 who receives financial
 157 support from a parent or United States court appointed legal guardian.

158 (2) 'Emancipated' means a minor who, under certain circumstances, may be treated by
 159 the law as an adult. A student reaching the age of 18 shall not qualify for consideration
 160 of reclassification by virtue of having become emancipated unless he or she can
 161 demonstrate financial independence and domicile independent of his or her parents.

162 (3) 'Independent student' means an individual who is not claimed as a dependent on the
 163 federal or state income tax returns of a parent or United States court appointed legal
 164 guardian and whose parent or guardian has ceased to provide support and right to that
 165 individual's care, custody, and earnings.

166 (4) 'Lawful alien status' means an alien status provided for by the federal Immigration
 167 and Nationality Act or any other provision by the United States Congress; provided,
 168 however, that lawful alien status shall not include a grant of any deferred deportation
 169 action from the United States Department of Homeland Security.

170 (5) 'SAVE program' means the Systematic Alien Verification for Entitlements program
 171 established by the United States Bureau of Citizenship and Immigration Services."

172 ~~"(d) Noncitizen students shall not be classified as in-state for tuition purposes unless the~~
 173 ~~student is legally in this state~~ such students possess a lawful alien status and there is
 174 evidence to warrant consideration of in-state classification as determined by the board of
 175 regents. ~~Lawful permanent residents, refugees, asylees, or other eligible noncitizens as~~
 176 ~~defined by federal Title IV regulations may be extended the same consideration as citizens~~
 177 ~~of the United States in determining whether they qualify for in-state classification.~~
 178 ~~International students who reside in the United States under nonimmigrant status~~
 179 ~~conditioned at least in part upon intent not to abandon a foreign domicile shall not be~~
 180 ~~eligible for in-state classification.~~ The university system shall utilize the procedures in
 181 subsection (d.1) of this Code section before making a determination of in-state resident
 182 status of students for tuition or fees.

183 (d.1)(1) The university system, at the time of determining in-state resident status of a
 184 student for purposes of tuition or fees, shall require such student to execute a signed and
 185 sworn affidavit. Such affidavit shall affirm that such student is either a United States
 186 citizen or possesses a lawful alien status.

187 (2)(A) If a student affirms that he or she possesses a lawful alien status, then the
 188 university system shall attempt to confirm through the SAVE program that the
 189 applicant possesses a lawful alien status.

190 (B) If the SAVE program does not provide sufficient information to the university
 191 system to make a determination, the university system shall be authorized to accept
 192 verbal, e-mail, or other means of confirmation of the alien status of the student from the
 193 Department of Homeland Security.

194 (3) Any person who knowingly and willfully makes a false, fictitious, or fraudulent
 195 statement of representation in an affidavit executed pursuant to this subsection shall be
 196 guilty of a violation of Code Section 16-10-20.

197 (4) The university system shall create affidavits for use under this subsection."

198 **SECTION 4.**

199 Said title is further amended by revising paragraph (18) of and adding a new paragraph to
 200 Code Section 20-3-519, relating to definitions regarding HOPE scholarships and grants, to
 201 read as follows:

202 "(18) 'Lawful alien status' means an alien status provided for by the federal Immigration
 203 and Nationality Act or any other provision by the United States Congress; provided,
 204 however, that lawful alien status shall not include a grant of any deferred deportation
 205 action from the United States Department of Homeland Security Reserved."

206 "(21.2) 'SAVE program' means the Systematic Alien Verification for Entitlements
 207 program established by the United States Bureau of Citizenship and Immigration
 208 Services."

209 **SECTION 5.**

210 Said title is further amended in Code Section 20-3-519.1, relating to eligibility for HOPE
 211 scholarships and grants, by revising subsection (b) and adding two new subsections to read
 212 as follows:

213 "(b) A student is ineligible for any scholarship or grant described in this part if the student:

214 (1) Is not a United States citizen or a permanent resident alien who meets the definition
 215 of an eligible noncitizen under federal Title IV requirements does not possess a lawful
 216 alien status;

217 (2) Has not complied with United States Selective Service System requirements for
 218 registration, if such requirements are applicable to the student;

219 (3) Is in default on a federal Title IV educational loan or a State of Georgia educational
 220 loan, provided that a student who is otherwise eligible and has fully repaid the defaulted
 221 loan will be eligible to obtain a scholarship or grant for future academic terms but not
 222 retroactively;

223 (4) Owes a refund on a federal Title IV student financial aid program or a Georgia
 224 student financial aid program, provided that a student who is otherwise eligible and has
 225 fully paid the refund owed will be eligible to obtain a scholarship or grant for future
 226 academic terms but not retroactively;

227 (5) Has been convicted of a felony offense involving marijuana, a controlled substance,
 228 or a dangerous drug as set out in Code Section 20-1-23 or 20-1-24 of the 'Drug-free
 229 Postsecondary Education Act of 1990,' provided that such ineligibility extends from the
 230 date of conviction to the completion of the next academic term;

231 (6) Is incarcerated; or

232 (7) Does not meet each qualification listed in the Code section relating to the relevant
 233 scholarship or grant and applicable to the student.

234 (c) For compliance under paragraph (1) of subsection (b) of this Code section, the Georgia
 235 Student Finance Commission shall utilize the procedures in subsection (d) of this Code
 236 section for determining the eligibility of any person who is seeking eligibility for any
 237 scholarship or grant described in this part.

238 (d)(1) A person, at the time of seeking eligibility for any scholarship or grant described
 239 in this part, shall execute a signed and sworn affidavit. Such affidavit shall affirm that
 240 such person is either a United States citizen or possesses a lawful alien status.

241 (2)(A) If a person affirms that he or she possesses a lawful alien status, then the
 242 Georgia Student Finance Commission shall attempt to confirm through the SAVE
 243 program that the person possesses a lawful alien status.

244 (B) If the SAVE program does not provide sufficient information to the Georgia
 245 Student Finance Commission to make a determination, the Georgia Student Finance
 246 Commission shall be authorized to accept verbal, e-mail, or other means of
 247 confirmation of the alien status of the applicant from the Department of Homeland
 248 Security.

249 (3) Any person who knowingly and willfully makes a false, fictitious, or fraudulent
 250 statement of representation in an affidavit executed pursuant to this subsection shall be
 251 guilty of a violation of Code Section 16-10-20.

252 (4) The Georgia Student Finance Commission shall create affidavits for use under this
 253 subsection."

254 **SECTION 6.**

255 Said title is further amended in Code Section 20-4-21, relating to tuition fees charged by
 256 postsecondary technical schools, by revising subsection (a) and adding a new subsection to
 257 read as follows:

258 "(a) As used in this Code section, the term:

259 (1) 'Lawful alien status' means an alien status provided for by the federal Immigration
 260 and Nationality Act or any other provision by the United States Congress; provided,
 261 however, that the lawful alien status shall not include a grant of any deferred deportation
 262 action from the United States Department of Homeland Security.

263 (2) 'SAVE program' means the Systematic Alien Verification for Entitlements program
 264 established by the United States Bureau of Citizenship and Immigration Services.

265 (b)(1) Any postsecondary technical school operated by a local board of education, an
 266 area postsecondary technical education board, or the Technical College System of
 267 Georgia shall be authorized to charge tuition fees in conformity with the rules and
 268 regulations promulgated by the State Board of the Technical College System of Georgia.

269 (2) Noncitizen students shall not be classified as in-state for tuition purposes at any
 270 postsecondary technical school operated by a local board of education, an area
 271 postsecondary technical education board, or the Technical College System of Georgia
 272 unless such students possess a lawful alien status and there is evidence to warrant
 273 consideration of in-state classification as determined by the local board of education, area
 274 postsecondary technical education board, or the Technical College System of Georgia,
 275 respectively.

276 (3) A local board of education, an area postsecondary technical education board, and the
 277 Technical College System of Georgia shall utilize the procedures in subsection (b.1) of
 278 this Code section before making a determination of in-state resident status of students for
 279 tuition purposes as provided for in paragraph (2) of this subsection.

280 (b.1)(1) A local board of education, an area postsecondary technical education board, and
 281 the Technical College System of Georgia, at the time of determining in-state resident
 282 status of a student for purposes of tuition, shall require such student to execute a signed
 283 and sworn affidavit. Such affidavit shall affirm that such student is either a United States
 284 citizen or possesses a lawful alien status.

285 (2)(A) If a student affirms that he or she possesses a lawful alien status, then such local
 286 board of education or area postsecondary technical education board or the Technical
 287 College System of Georgia shall attempt to confirm through the SAVE program that
 288 the applicant possesses a lawful alien status.

289 (B) If the SAVE program does not provide sufficient information to the such local
 290 board of education or area postsecondary technical education board or the Technical
 291 College System of Georgia to make a determination, the local board of education, area
 292 postsecondary technical education board, or Technical College System of Georgia shall
 293 be authorized to accept verbal, e-mail, or other means of confirmation of the alien status
 294 of the student from the Department of Homeland Security.

295 (3) Any person who knowingly and willfully makes a false, fictitious, or fraudulent
 296 statement of representation in an affidavit executed pursuant to this subsection shall be
 297 guilty of a violation of Code Section 16-10-20.

298 (4) Local boards of education, area postsecondary technical education boards, and the
 299 Technical College System of Georgia shall create affidavits for use under this
 300 subsection."

301 **SECTION 7.**

302 Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to
 303 general provisions regarding the Georgia Bureau of Investigation, is amended by adding a
 304 new Code section to read as follows:

305 "35-3-14.

306 To the extent permitted by federal law, the bureau shall post on its public website the
 307 names of persons who are aliens; who have been arrested, booked, detained, or incarcerated
 308 during immigration and criminal law enforcement investigations; and who have been
 309 released from federal custody within the boundaries of this state, as such names are
 310 presented within the Enforcement Integrated Database of the United States Department of
 311 Homeland Security."

SECTION 8.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by revising paragraphs (13.5) and (15) of and adding a new paragraph to Code Section 40-5-1, relating to definitions, to read as follows:

"(10.5) 'Lawful alien status' means an alien status provided for by the federal Immigration and Nationality Act or any other provision by the United States Congress; provided, however, that lawful alien status shall not include a grant of any deferred deportation action from the United States Department of Homeland Security."

"(13.5) 'Personal information' means any information that identifies a person, including but not limited to an individual's fingerprint or other biological characteristic which shall include without limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics, photograph, or computerized image, social security number, driver identification number, name, address (other than five-digit ZIP Code), telephone number, and medical or disability information."

"(15) 'Resident' means a person who has a permanent home or abode in Georgia to which, whenever such person is absent, he or she has the intention of returning. For the purposes of this chapter, there is a rebuttable presumption that the following person is a resident:

(A) Any person who accepts employment or engages in any trade, profession, or occupation in Georgia or enters his or her children to be educated in the private or public schools of Georgia within ten days after the commencement of such employment or education; or

(B) Any person who, except for infrequent, brief absences, has been present in the state for 30 or more days;

provided, however, that no person shall be considered a resident for purposes of this chapter unless such person is either a United States citizen or ~~an alien with legal authorization from the U.S. Immigration and Naturalization Service~~ present in the United States pursuant to a lawful alien status."

SECTION 9.

Said chapter is further amended by revising subsections (e) and (k) of Code Section 40-5-2, relating to keeping of records of applications for licenses and information on licenses and the furnishing of information on records, as follows:

"(e) Upon written request or participation in verification programs of the United States Department of Homeland Security, including without limitation the initiative provided for under Code Section 40-16-9, the department may provide copies of any record or personal information from any driver's record for use by any appropriate governmental official,

348 entity, or agency for the purposes of carrying out official governmental functions or
 349 legitimate governmental duties; provided, however, that notwithstanding the definition of
 350 personal information under Code Section 40-5-1, personal information furnished under this
 351 subsection shall be limited to name, address, driver identification number, and medical or
 352 disability information, except for personal information related to a temporary license,
 353 driver's privilege card, permit, or special identification card issued to a noncitizen pursuant
 354 to Code Section 40-5-20 or 40-5-21.1 which shall not be so limited."

355 "(k)(1) The department, pursuant to rules and regulations promulgated by the
 356 commissioner, may periodically review all records maintained pursuant to this Code
 357 section and shall correct those records which contain known improper, false, fraudulent,
 358 or invalid information.

359 (2) Not later than July 31, 2006, the department shall destroy all records of fingerprints
 360 obtained on and after April 15, 1996, and prior to July 1, 2006, from applicants for
 361 drivers' licenses, identification cards, and identification cards for persons with disabilities
 362 issued by the department and shall compile and make available for public inspection a list
 363 of all persons or entities to whom the department provided such fingerprint records.
 364 Notwithstanding the provisions of this paragraph, and except as provided for under Code
 365 Section 40-5-20 or 40-5-21.1, fingerprint images electronically stored on existing drivers'
 366 licenses will be destroyed upon application for a renewal of the driver's license."

367 SECTION 10.

368 Said chapter is further amended by revising subsections (a) and (c) of and adding a new
 369 subsection to Code Section 40-5-20, relating to license required, surrender of prior licenses,
 370 and local licenses prohibited, to read as follows:

371 "(a) No person, except those expressly exempted in this chapter or in Chapter 6 of this title,
 372 shall drive any motor vehicle upon a highway in this state unless such person has a valid
 373 driver's license or a driver's privilege card under this chapter for the type or class of vehicle
 374 being driven. Any person who is a resident of this state for 30 days shall obtain a Georgia
 375 driver's license before operating a motor vehicle in this state. Any court having jurisdiction
 376 over traffic offenses in this state shall report to the department the name and other
 377 identifying information of any individual convicted of driving without a license. This Code
 378 section shall not apply to a person driving with a suspended license or license that has been
 379 revoked. Any person convicted of violating this Code section shall be punished as
 380 provided in subsection (a) of Code Section 40-5-121; provided, however, that if:

381 (1) Such person is driving with a driver's license issued by this state that has been
 382 expired for less than 31 days at the time of the offense and he or she produces in court a

383 driver's license that would have been valid at the time of the offense, he or she shall not
384 be guilty of such offense; and

385 (2) Such person is driving without a valid driver's license or receipt issued by the
386 department reflecting issuance, renewal, replacement, or reinstatement in his or her
387 possession but he or she has a valid driver's license, Code Section 40-5-29 shall apply to
388 such offense.

389 (a.1)(1) Except as provided for in subsection (a.2) of this Code section, any person who
390 is a current recipient of a grant of deferred deportation action from the United States
391 Department of Homeland Security shall obtain a Georgia driver's privilege card before
392 operating a motor vehicle in this state. Pursuant to the terms of this subsection, upon
393 payment of the required fee, the department shall issue to every applicant qualifying
394 therefor a driver's privilege card indicating the type or general class of vehicle the
395 applicant may drive. Notwithstanding any other provision of this title and except as
396 otherwise provided for in this subsection, such driver's privilege card shall:

397 (A) In every way operate in like manner for types or classes of vehicles as a citizen's
398 driver's license, including but not limited to fees, instructional permits, training,
399 examinations, expirations, restrictions, points, issuances, renewals, and replacements,
400 as if such driver's privilege card were a driver's license;

401 (B) Be subject to the same carrying, exhibition, reporting, and motor vehicle insurance
402 requirements as a citizen's driver's license;

403 (C) Confer the same privileges and responsibilities for driving a motor vehicle upon
404 a highway in this state as a citizen's driver's license; and

405 (D) Be subject to the same laws and penalties in the law, including but not limited to
406 suspension or revocation, in the same manner as a citizen's driver's license.

407 (2) A driver's privilege card shall be valid only during the period of time of the
408 applicant's grant of deferred deportation action or five years, whichever occurs first.

409 (3)(A) A driver's privilege card shall be valid only for the privilege of operating a
410 motor vehicle upon a highway in this state and shall not be valid for identification
411 purposes, including but not limited to verifying the identity, residency, or citizenship
412 status of its holder. No person shall attempt to use a driver's privilege card for
413 identification purposes. Any person, including but not limited to employees of this
414 state or any political subdivision thereof in their official capacity, shall report such
415 attempt to his or her local law enforcement agency.

416 (B) It shall be a misdemeanor of a high and aggravated nature to attempt to use or
417 accept a driver's privilege card for identification purposes or to fail to report the
418 offering of a driver's privilege card for identification purposes.

419 (C) This paragraph shall not be applicable to law enforcement officers in the
420 performance of their duties.

421 (4)(A) Prior to the issuance of a driver's privilege card, the department shall obtain a
422 fingerprint or other biological characteristic of the applicant.

423 (B) The fingerprint provided for under subparagraph (A) of this paragraph shall be of
424 the applicant's index finger on his or her right hand; provided, however, that if such
425 applicant's index finger on his or her right hand is missing or not suitable for
426 fingerprinting, then such fingerprint shall be of the applicant's index finger on his or her
427 left hand. The commissioner shall promulgate rules and regulations for obtaining a
428 biological characteristic, including without limitation deoxyribonucleic acid (DNA) or
429 retinal scan identification characteristics, of such applicants who have no fingers for
430 fingerprinting.

431 (C) A driver's privilege card issued pursuant to this subsection shall bear thereon the
432 fingerprint as obtained from the applicant under this paragraph with a notation as to
433 which finger the fingerprint represents; provided, however, that if a biological
434 characteristic other than a fingerprint has been obtained from the applicant, then the
435 type of biological characteristic that has been obtained from the applicant shall be noted
436 on such card.

437 (5)(A) A driver's privilege card shall be a two sided card, have a vertical orientation,
438 and incorporate the great seal of the State of Georgia and the same security features as
439 are present on a citizen's driver's license issued by the department. On one side of such
440 card, which shall be the front of such card, there shall be a minimum of three different
441 ultraviolet colors, provided that such colors shall be different than the color scheme
442 used by the department for a citizen's driver's license and readily distinguishable from
443 a citizen's driver's license; the same information about the applicant as is provided for
444 on the front side of a citizen's driver's license issued by the department; a color
445 photograph of the applicant; a bar that is ultraviolet red in color vertically alongside
446 such color photograph which incorporates the term 'ILLEGAL ALIEN' in bold font; a
447 bar in an ultraviolet color horizontally at the uppermost portion of such card which
448 incorporates the term 'DRIVER PRIVILEGE CARD ONLY'; a bar in an ultraviolet
449 color horizontally at the bottommost portion of such card which incorporates the term
450 'NOT FOR IDENTIFICATION PURPOSES'; and such other information not
451 inconsistent with this subsection. On one side of such card, which shall be the back of
452 such card, there shall be the same information about the applicant as is provided for on
453 the back side of a citizen's driver's license issued by the department; the fingerprint of
454 the applicant as provided for in paragraph (4) of this subsection; the term 'ILLEGAL
455 ALIEN' horizontally in large bold font at the uppermost portion of card; the term

456 'DRIVER PRIVILEGE CARD ONLY - NOT FOR ID PURPOSES' in large bold font
457 at the bottommost portion of the card; and such other information not inconsistent with
458 this subsection. The driver's privilege card shall be of similar material, size, and
459 thickness of a credit card; provided, however, that such driver's privilege card shall be
460 sufficiently large enough to incorporate the language, font size, and information as
461 provided for in this subparagraph.

462 (B) Using the physical characteristics of the driver's privilege card as set forth in
463 subparagraph (A) of this paragraph, the department shall create specifications for the
464 form of such card.

465 (6) The department shall not issue any temporary driving privileges as provided for in
466 subsection (e) of Code Section 40-5-24 to any person who is a current recipient of a grant
467 of deferred action from the United States Department of Homeland Security.

468 (a.2) Any person who is a current recipient of a grant of deferred deportation action from
469 the United States Department of Homeland Security and who has a valid driver's license
470 shall, upon expiration of such driver's license, be subject to the provisions of this chapter
471 relating to a driver's privilege card."

472 "(c)(1) Except as provided in paragraph (2) of this subsection and in Code Section
473 40-5-32, no person shall receive a driver's license or driver's privilege card unless and
474 until such person surrenders to the department all valid licenses in such person's
475 possession issued to him or her by this or any other jurisdiction. All surrendered licenses
476 issued by another jurisdiction shall be destroyed. The license information shall be
477 forwarded to the previous jurisdiction. No person shall be permitted to have more than
478 one valid driver's license or more than one valid driver's privilege card at any time or a
479 valid driver's license and a valid driver's privilege card at the same time.

480 (2) Any noncitizen who is eligible for issuance of a driver's license or driver's privilege
481 card pursuant to the requirements of this chapter may be issued a driver's license or
482 driver's privilege card without surrendering any driver's license or such other similar
483 licenses previously issued to him or her by any foreign jurisdiction. This exemption shall
484 not apply to a person who is applying for a commercial driver's license or who is required
485 to terminate any previously issued driver's license or similar license pursuant to federal
486 law. The department shall make a notation on the driving record of any person who
487 retains a foreign driver's license, and this information shall be made available to law
488 enforcement officers and agencies on such person's driving record through the Georgia
489 Crime Information Center."

SECTION 11.

490
491 Said chapter is further amended by revising Code Section 40-5-21.1, relating to temporary
492 licenses, permits, or special identification cards, foreign licenses or identification cards as
493 evidence of legal presence in the United States, and extensions, as follows:

494 "40-5-21.1.

495 (a) Notwithstanding any other provision of this title, an applicant who presents in person
496 valid documentary evidence of:

497 (1) Admission to the United States in a valid, unexpired nonimmigrant status;

498 (2) A pending or approved application for asylum in the United States;

499 (3) Admission into the United States in refugee status;

500 (4) An approved application for temporary protected status in the United States;

501 (5) ~~Approved deferred action status;~~

502 (6) Other federal documentation verified by the United States Department of Homeland
503 Security to be valid documentary evidence of lawful ~~presence in the United States under~~
504 ~~federal immigration law~~ alien status; or

505 (7)(6) Verification of lawful ~~presence~~ alien status as provided by Code Section 40-5-21.2

506 may be issued a temporary license, permit, or special identification card as provided for in
507 subsections (b) and (c) of this Code section. Such temporary license, permit, or special
508 identification card shall be valid only during the period of time of the applicant's authorized
509 stay in the United States or five years, whichever occurs first.

510 (b) A driver's license or identification card issued by any state or territory which, on or
511 after July 1, 2006, authorized such driver's license or identification card to be issued to
512 persons ~~not lawfully present in the United States~~ who do not have a lawful alien status may
513 not be accepted as evidence of ~~legal presence in the United States~~ lawful alien status.

514 (c) Any noncitizen applicant who possesses a lawful alien status and whose Georgia
515 driver's license or identification card has expired, or will expire within 30 days, and who
516 has filed, or on whose behalf has been filed, a request for an extension with the United
517 States Department of Homeland Security, or similar such federal issuing agency, for time
518 to remain lawfully within the United States shall be issued a temporary driving permit or
519 identification card valid for 120 days from the date of the expiration of his or her valid
520 driver's license or identification card. The noncitizen applicant shall be required to present
521 evidence of the application for extension by submitting a copy or copies of documentation
522 designated by the department. A temporary driving permit or identification card shall be
523 issued upon submission of the required documentation and an application fee in an amount
524 to be determined by the department. Upon the expiration of the temporary driving permit
525 or identification card, no further consecutive temporary permits or identification cards shall

526 be authorized; provided, however, that application may be made following the expiration
527 of an additional valid Georgia driver's license or identification card.

528 (d)(1) Notwithstanding any other provision of the title, an applicant who is a current
529 recipient of a grant of deferred action from the United States Department of Homeland
530 Security may be issued a special identification card which shall be valid only during the
531 period of time of the applicant's grant of deferred action or five years, whichever occurs
532 first. Notwithstanding any other provision of this title and except as otherwise provided
533 for in this subsection, such special identification card shall in every way conform to the
534 provisions governing personal identification cards provided for by this title, including but
535 not limited to fees, proof of birth date, unlawful use, issuances, renewals, and replacements.

536 (2)(A) Prior to the issuance of such special identification card as provided for in
537 paragraph (1) of this subsection, the department shall obtain a fingerprint or other
538 biological characteristic of the applicant.

539 (B) The fingerprint provided for under subparagraph (A) of this paragraph shall be of
540 the applicant's index finger on his or her right hand; provided, however, that if such
541 applicant's index finger on his or her right hand is missing or not suitable for
542 fingerprinting, then such fingerprint shall be of the applicant's index finger on his or her
543 left hand. The commissioner shall promulgate rules and regulations for obtaining a
544 biological characteristic, including without limitation deoxyribonucleic acid (DNA) or
545 retinal scan identification characteristics, of such applicants who have no fingers for
546 fingerprinting.

547 (C) A special identification card issued pursuant to this subsection shall bear thereon
548 the fingerprint as obtained from the applicant under this paragraph with a notation as
549 to which finger the fingerprint represents; provided, however, that if a biological
550 characteristic other than a fingerprint has been obtained from the applicant, then the
551 type of biological characteristic that has been obtained from the applicant shall be noted
552 on such card.

553 (3)(A) Such special identification card as provided for in paragraph (1) of this
554 subsection shall be a two sided card, have a vertical orientation, and incorporate the
555 great seal of the State of Georgia and the same security features as are present on other
556 personal identification cards issued by the department. On one side of such card, which
557 shall be the front of such card, there shall be a minimum of three different ultraviolet
558 colors, provided that such colors shall be different than the color scheme used by the
559 department for a citizen's driver's license and citizen's personal identification card and
560 readily distinguishable from both; the same information about the applicant as is
561 provided for in paragraphs (1) through (9) of subsection (a) of Code Section 40-5-100;
562 a color photograph of the applicant; a bar that is ultraviolet red in color vertically

563 alongside such color photograph which incorporates the term 'ILLEGAL ALIEN' in
 564 bold font; and such other information not inconsistent with this subsection. On one side
 565 of such card, which shall be the back of such card, there shall be the same information
 566 about the applicant as is provided for on the back side of other personal identification
 567 cards issued by the department; the fingerprint of the applicant as provided for in
 568 paragraph (2) of this subsection; the term 'ILLEGAL ALIEN' horizontally in large bold
 569 font at the uppermost portion of card; and such other information not inconsistent with
 570 this subsection. The special identification card shall be of similar material, size, and
 571 thickness of a credit card; provided, however, that such special identification card shall
 572 be sufficiently large enough to incorporate the language, font size, and information as
 573 provided for in this subparagraph.
 574 (B) Using the physical characteristics of the special identification card as set forth in
 575 subparagraph (A) of this paragraph, the department shall create specifications for the
 576 form of such card."

577 SECTION 12.

578 Said chapter is further amended by revising subsection (b) of and adding a new subsection
 579 to Code Section 40-5-21.2, relating to compliance with the Systematic Alien Verification for
 580 Entitlements Program, application, and implementation, to read as follows:

581 "(b) The department shall utilize the following procedures in this subsection before issuing
 582 an identification card, license, permit, or other official document to an applicant who is a
 583 noncitizen:

584 (1) The department shall attempt to confirm through the SAVE program that the
 585 applicant is lawfully present in the United States possesses a lawful alien status; and

586 (2) If the SAVE program does not provide sufficient information to the department to
 587 make a determination, the department shall be authorized to accept verbal or e-mail, or
 588 other means of confirmation of the legal alien status of the applicant from the Department
 589 of Homeland Security.

590 (3) Each applicant shall execute a signed and sworn affidavit verifying that he or she
 591 possesses a lawful alien status and is not a current recipient of a grant of deferred action
 592 from the United States Department of Homeland Security or that he or she is a current
 593 recipient of a grant of deferred action from the United States Department of Homeland
 594 Security. Any person who knowingly and willfully makes a false, fictitious, or fraudulent
 595 statement of representation in an affidavit executed pursuant to this Code section shall
 596 be guilty of a violation of Code Section 16-10-20."

597 "(e) A person determined to possess a lawful alien status pursuant to this Code section
 598 shall be eligible for a license, permit, or card as provided for in subsections (a), (b), and (c)

599 of Code Section 40-5-21.1. A person determined to be a current recipient of a grant of
 600 deferred action from the United States Department of Homeland Security pursuant to this
 601 Code section shall be eligible for a card as provided for in subsection (a.1) of Code Section
 602 40-5-20 or subsection (d) of Code Section 40-5-21.1."

603 **SECTION 13.**

604 Said chapter is further amended by revising subsection (a) of Code Section 40-5-28, relating
 605 to the issuance of licenses and contents, as follows:

606 "(a) Except as provided in subsection (c) of this Code section, the department shall, upon
 607 payment of the required fee, issue to every applicant qualifying therefor a driver's license
 608 indicating the type or general class of vehicles the licensee may drive, which license shall
 609 be upon a form prescribed by the department and which shall bear thereon a distinguishing
 610 number assigned to the licensee, a photograph of the licensee, the licensee's full legal name,
 611 either a facsimile of the signature of the licensee or a space upon which the licensee shall
 612 write his or her usual signature with a pen and ink immediately upon receipt of the license,
 613 and such other information or identification as is required by the department. No license
 614 shall be valid until it has been so signed by the licensee. Except as provided for under
 615 Code Section 40-5-20 or 40-5-21.1, the ~~The~~ department shall not require applicants to
 616 submit or otherwise obtain from applicants any fingerprints or any other biological
 617 characteristic or information which uniquely identifies an individual, including without
 618 limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics but
 619 not including a photograph, by any means upon application."

620 **SECTION 14.**

621 Said chapter is further amended by revising paragraphs (1), (2), and (3) of Code Section
 622 40-5-120, relating to the unlawful use of license or identification card and penalties for
 623 violations of chapter generally, as follows:

624 "(1) Display or cause or permit to be displayed or have in his or her possession any
 625 canceled, revoked, or suspended driver's license or personal identification card issued
 626 pursuant to ~~Code Section 40-5-100~~ this chapter;

627 (2) Fail or refuse to surrender to the department upon lawful demand any driver's license
 628 or personal identification card issued pursuant to ~~Code Section 40-5-100~~ this chapter
 629 which has been suspended, revoked, disqualified, or canceled;

630 (3) Permit any unlawful use of a driver's license or personal identification card issued
 631 pursuant to ~~Code Section 40-5-100~~ this chapter issued to such person;"

SECTION 15.

632

633 Said chapter is further amended by revising subsection (a) of Code Section 40-5-121, relating
 634 to driving while license is suspended or revoked, as follows:

635 "(a) Except when a license has been revoked under Code Section 40-5-58 as a habitual
 636 violator, any person who drives a motor vehicle on any public highway of this state without
 637 being licensed as required by subsection (a) of Code Section 40-5-20 or at a time when his
 638 or her privilege to so drive is suspended, disqualified, or revoked shall be guilty of a
 639 misdemeanor for a first conviction thereof and, upon a first conviction thereof or plea of
 640 nolo contendere within five years, as measured from the dates of previous arrests for which
 641 convictions were obtained to the date of the current arrest for which a conviction is
 642 obtained or a plea of nolo contendere is accepted, shall be fingerprinted and shall be
 643 punished by imprisonment for not less than two days nor more than 12 months, and there
 644 may be imposed in addition thereto a fine of not less than ~~\$500.00~~ \$1,000.00 nor more than
 645 ~~\$1,000.00~~ \$2,500.00. Such fingerprints, taken upon conviction, shall be forwarded to the
 646 Georgia Crime Information Center where an identification number shall be assigned to the
 647 individual for the purpose of tracking any future violations by the same offender. For the
 648 second ~~and third~~ conviction within five years, as measured from the dates of previous
 649 arrests for which convictions were obtained or pleas of nolo contendere were accepted to
 650 the date of the current arrest for which a conviction is obtained or a plea of nolo contendere
 651 is accepted, such person shall be guilty of a high and aggravated misdemeanor and shall
 652 be punished by imprisonment for not less than ten days nor more than 12 months, and there
 653 may be imposed in addition thereto a fine of not less than ~~\$1,000.00~~ \$2,500.00 nor more
 654 than ~~\$2,500.00~~ \$5,000.00. For the third and fourth convictions or a subsequent conviction
 655 within five years, as measured from the dates of previous arrests for which convictions
 656 were obtained or pleas of nolo contendere were accepted to the date of the current arrest
 657 for which a conviction is obtained or a plea of nolo contendere is accepted, such person
 658 shall be guilty of a felony and shall be punished by imprisonment for not less than one year
 659 and one week nor more than five years, and there may be imposed in addition thereto a fine
 660 of not less than ~~\$2,500.00~~ \$5,000.00 nor more than ~~\$5,000.00~~ \$10,000.00."

661

SECTION 16.

662 Said chapter is further amended by adding a new Code section to read as follows:

663 "40-5-126.

664 (a) When a person is driving a motor vehicle without being licensed as required by
 665 subsection (a) or (a.1) of Code Section 40-5-20, the arresting peace officer may, except in
 666 an emergency, cause the motor vehicle being operated by such person to be removed and
 667 impounded pursuant to subsection (b.1) of Code Section 40-11-3. All provisions of

668 Chapter 11 of this title which are applicable to vehicles removed by law enforcement
669 officers, including but not limited to lien procedures, shall apply to the release or disposal
670 of such impounded vehicle; provided, however, that such vehicle shall not be released until
671 the expiration of 60 days after such vehicle has been removed and impounded; and
672 provided, further, that when such vehicle is released, such vehicle shall be released to the
673 owner or the owner's spouse, child, or parent upon proof of relationship to the owner so
674 long as such person displays an unexpired driver's license and complies with the applicable
675 provisions of Chapter 11 of this title.

676 (b)(1) The owner of a motor vehicle which has been removed and impounded pursuant
677 to subsection (a) of this Code section shall have the right to request a hearing in the
678 superior court of the county in which such motor vehicle has been removed and
679 impounded within ten days of receiving notice of the removal and impoundment of such
680 vehicle as provided for in this subsection. Within five days of such request, the superior
681 court shall conduct a hearing to determine the validity of, or to consider any mitigating
682 circumstances attendant to, the removal and impoundment of such vehicle. The superior
683 court may order the release of such vehicle prior to the expiration of the time provided
684 for in subsection (a) of this Code section; provided, however, that such owner shall
685 remain liable for all storage fees associated with the removal and impoundment of such
686 vehicle.

687 (2)(A) When the arresting peace officer causes a motor vehicle to be removed and
688 impounded pursuant to subsection (a) of this Code section, the law enforcement agency
689 of the arresting peace officer shall, within 72 hours from the time of removal and
690 impoundment, provide the vehicle's owner with notice, by personal service, certified
691 or registered mail, or statutory overnight delivery, of such removal and impoundment.

692 (B) The notice provided for in subparagraph (A) of this paragraph shall include:

693 (i) The name, address, and telephone number of the law enforcement agency
694 providing the notice;

695 (ii) The name and location of the place of storage of such vehicle;

696 (iii) The description of such vehicle, which shall include, if determinative, such
697 vehicle's license plate number and vehicle identification number;

698 (iv) The authority and purpose for the removal and impoundment of such vehicle,
699 including a statement that, pursuant to this Code section, such vehicle shall not be
700 released until the expiration of 60 days after such vehicle has been removed and
701 impounded; and

702 (v) A statement that such owner has the right to receive a hearing in the superior
703 court of the county in which such motor vehicle has been removed and impounded to
704 contest the validity of such removal and impoundment or to offer mitigating

705 circumstances for the release of such motor vehicle prior to the expiration of the time
 706 for the hold of such motor vehicle if such owner requests a hearing in such superior
 707 court within ten days of such notice.

708 (C) The failure of such owner to request a hearing or to attend a scheduled hearing
 709 shall satisfy the requirements of this subsection.

710 (3) If a law enforcement agency fails to provide notice as required by this subsection
 711 within 72 hours from the time of removal and impoundment, the motor vehicle shall be
 712 available for immediate release to the owner of such motor vehicle and such law
 713 enforcement agency shall be liable for all storage fees associated with the removal and
 714 impoundment of such vehicle.

715 (4) This subsection shall not apply when the name and address of the last known
 716 registered owner of the motor vehicle is unable to be obtained pursuant to the procedures
 717 provided for in Code Section 40-11-3.

718 (C) This Code section shall not apply to:

719 (1) A person driving with an expired license; provided, however, that such person is a
 720 citizen or possesses a lawful alien status pursuant to Chapter 5 of this title;

721 (2) A first offense committed by an unlicensed driver who is 15 years of age or younger;
 722 provided, however, that such unlicensed driver is a citizen or possesses a lawful alien
 723 status pursuant to Chapter 5 of this title; or

724 (3) A person exempted under Code Section 40-5-21."

725 **SECTION 17.**

726 Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to abandoned
 727 motor vehicles, is amended by revising subparagraph (C) of paragraph (1) of Code Section
 728 40-11-1, relating to definitions, as follows:

729 "(C) Which has been lawfully towed onto the property of another at the request of a
 730 law enforcement officer and left there for a period of not less than 30 days, or left there
 731 for a period of not less than 90 days if the conditions of Code Section 40-5-126 are
 732 applicable, without anyone having paid all reasonable current charges for such towing
 733 and storage;"

734 **SECTION 18.**

735 Said chapter is further amended by revising subsection (d) of Code Section 40-11-2, relating
 736 to duty of person removing or storing motor vehicle, as follows:

737 "(d) If any motor vehicle removed under conditions set forth in subsection (a) or (b) of this
 738 Code section is determined not to be a stolen vehicle or is not a vehicle being repaired by
 739 a repair facility or is not being stored by an insurance company providing insurance to

740 cover damages to the vehicle, the person removing or storing such motor vehicle shall,
 741 within seven calendar days of the day such motor vehicle was removed or one business day
 742 after the information is furnished to the remover or storer pursuant to subsection (a) or (b)
 743 of this Code section, whichever is later, notify all owners, if known, by written
 744 acknowledgment signed thereby or by certified or registered mail or statutory overnight
 745 delivery, of the location of such motor vehicle, the fees connected with removal and
 746 storage of such motor vehicle, and the fact that such motor vehicle will be deemed
 747 abandoned under this chapter unless the owner, security interest holder, or lienholder
 748 redeems such motor vehicle within 30 days of the day such vehicle was removed or, if the
 749 conditions of Code Section 40-5-126 are applicable, within 90 days of the day such motor
 750 vehicle was removed and impounded."

751 **SECTION 19.**

752 Said chapter is further amended by adding a new subsection to Code Section 40-11-3,
 753 relating to when peace officers may remove vehicles from public property and notification
 754 requirements, to read as follows:

755 "(b.1) Except as provided for by Code Section 40-5-126, any peace officer who finds a
 756 person driving a motor vehicle without being licensed as required by Code Section 40-5-20
 757 shall be authorized to cause such motor vehicle to be removed immediately to a garage or
 758 other place of safety."

759 **SECTION 20.**

760 Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department
 761 of Driver Services, is amended by adding a new Code section to read as follows:

762 "40-16-9.
 763 On or after July 1, 2016, the department shall participate in the Records and Information
 764 from DMVs for E-Verify initiative of the United States Department of Homeland Security.
 765 The commissioner shall promulgate rules and regulations for the department's participation
 766 in such initiative."

767 **SECTION 21.**

768 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
 769 relating to property tax exemptions, is amended by revising paragraph (1) of and adding new
 770 subparagraphs to Code Section 48-5-40, relating to definitions, to read as follows:

771 "(1) 'Applicant' means a person who is:
 772 (A)(i) A married individual living with his or her spouse;

- 773 (ii) An individual who is unmarried but who permanently maintains a home for the
 774 benefit of one or more other individuals who are related to such individual or
 775 dependent wholly or partially upon such individual for support;
- 776 (iii) An individual who is widowed having one or more children and maintaining a
 777 home occupied by himself or herself and the child or children;
- 778 (iv) A divorced individual living in a bona fide state of separation and having legal
 779 custody of one or more children, when the divorced individual owns and maintains
 780 a home for the child or children; or
- 781 (v) An individual who is unmarried or is widowed and who permanently maintains
 782 a home owned and occupied by himself or herself; ~~and~~
- 783 (B) A resident of this state as defined in paragraph (15) of Code Section 40-5-1, as
 784 amended; and
- 785 (C) A United States citizen or the possessor of a lawful alien status."
- 786 "(5.1) 'Lawful alien status' means an alien status provided for by the federal Immigration
 787 and Nationality Act or any other provision by the United States Congress; provided,
 788 however, that lawful alien status shall not include a grant of any deferred deportation
 789 action from the United States Department of Homeland Security."
- 790 "(7) 'SAVE program' means the Systematic Alien Verification for Entitlements program
 791 established by the United States Bureau of Citizenship and Immigration Services."

792 SECTION 22.

793 Said part is further amended by adding a new Code section to read as follows:

794 "48-5-57.

795 (a) The official receiving an application for any tax exemption pursuant to this part shall
 796 utilize the procedures in subsection (b) of this Code section for determining such
 797 applicant's eligibility for such tax exemption.

798 (b)(1) A person, at the time of applying for any tax exemption described in this part,
 799 shall execute a signed and sworn affidavit. Such affidavit shall affirm that such person
 800 is either a United States citizen or possesses a lawful alien status.

801 (2)(A) If a person affirms that he or she possesses a lawful alien status, then the official
 802 receiving the application shall attempt to confirm through the SAVE program that the
 803 person possesses a lawful alien status.

804 (B) If the SAVE program does not provide sufficient information to such official to
 805 make a determination, such official shall be authorized to accept verbal, e-mail, or other
 806 means of confirmation of the alien status of the applicant from the Department of
 807 Homeland Security.

808 (3) Any person who knowingly and willfully makes a false, fictitious, or fraudulent
809 statement of representation in an affidavit executed pursuant to this subsection shall be
810 guilty of a violation of Code Section 16-10-20.

811 (4) Officials receiving applications for any tax exemption under this part shall create
812 affidavits for use under this subsection."

813

SECTION 23.

814 All laws and parts of laws in conflict with this Act are repealed.