

07-0074

Amdt. #1S

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

October 25, 2007

California Attorney General Edmund G. Brown Jr.
Attn: Toni Melton, Initiative Secretary
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This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the California Real ID Act of 2008. This text of the initiative, No. 07-0074, contains a substantive amendment.

Proponent

Joseph Anthony Dolz

Proponent

TED J HILTON

Amdt. #1S

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the “California Real ID Act of 2008.”

SEC. 2. Section 27 is added to the Government Code, to read:

27. (a) No public benefit, right, or privilege shall be granted to any person who fails to present proof of United States citizenship or legal permanent resident status, when presentation of that proof is required as a condition of receiving the benefit, right, or privilege, when a statute specifically requires the application of this section.

(b) (1) Acceptable documentation for purposes of this section shall include either of the following:

(A) A United States passport.

(B) A United States permanent resident alien card.

(2) A person described in subdivision (a) shall be identified by the photograph on the form of identification presented pursuant to paragraph (1), and the identification number from the passport or card shall be recorded on the application for the public benefit, right, or privilege.

SEC. 3. Section 102425.5 is added to the Health and Safety Code, to read:

102425.5. (a) (1) Notwithstanding any other provision of law, a certificate of live birth as described in Section 102425, for births described in paragraph (2) that occur on or after January 1, 2009, shall be designated as a “Type 1 Birth Certificate.”

(2) A Type 1 Birth Certificate shall be issued if a child is born to parents either of whom is a citizen or national of the United States; or an alien lawfully admitted for permanent residence whose residence is in the United States.

(3) In addition to the information required by Section 102425, issuance of a Type 1 Birth Certificate shall require one of the following:

(A) One or both of the parents shall submit a social security card, and a statement, signed under penalty of perjury, that he or she is a citizen or national of the United States on the date of the birth.

(B) One or both of the parents shall submit a social security card, a

permanent resident alien card, and a statement, signed under penalty of perjury, that he or she is an alien lawfully admitted for permanent residence whose residence is in the United States on the date of the birth.

(4) The local registrar shall inspect the documentation required under paragraph (3) and maintain a copy of the parent's identification documents with the application for the Type 1 Birth Certificate, as an official part of the record.

(5) The local registrar shall enroll in the federal E-Verify program, or its successor, to confirm the validity and lawful status for each social security number presented under paragraph (3).

(b) (1) Notwithstanding any other provision of law, a certificate of live birth designated as a "Type 2 Birth Certificate - Proof of Birth Document for Child of Parent who is not a United States Citizen or Permanent Legal Resident" shall be issued for a child born on or after January 1, 2009, whose parent has not provided the required documentation for a Type 1 Birth Certificate.

(2) In addition to the information required by Section 102425, a Type 2 Birth Certificate shall include the following statement:

"This proof of birth document is issued pursuant to the following words of Representative John Bingham, the chief author of the 14th Amendment to the United States Constitution: '...every human being born within the jurisdiction of the United States of parents not owing allegiance to any foreign sovereignty is, in the language of your Constitution itself, a natural born citizen.' "

(3) The local registrar shall photograph and fingerprint each birth mother prior to the issuance of a Type 2 Birth Certificate. The department shall develop regulations for any birth mother who is incapable of appearing in person.

(4) The name, address, country of origin, photograph and fingerprint required under this subdivision shall constitute an official government record and shall be provided to any federal agency, upon request.

(c) A state or local employee shall not knowingly issue a fraudulent or false birth certificate under this section to an individual whom he or she believes is not a citizen or legal permanent resident of the United States.

(d) A violation of this section by a local registrar or any other state or local employee is punishable by a fine of up to twenty thousand dollars (\$20,000), or by imprisonment in the county jail for no longer than six months or in the state prison for two, three, or five years.

SEC. 4. Section 11200.1 is added to the Welfare and Institutions Code, to read:

11200.1. (a) Notwithstanding any other provision of law, and to the extent permitted under federal law, commencing November 30, 2008, no child shall be eligible for any benefits in a child-only CalWORKs case due to the ineligible alien status of his or her parent or guardian.

(b) On or before September 1, 2009, each parent, guardian or applicant in a CalWORKs case shall be required to present the documentation required under subdivision (b) of Section 27 of the Government Code as a condition of initial or continued eligibility for benefits.

SEC. 5. Section 14007.51 is added to the Welfare and Institutions Code, to read:

14007.51. Notwithstanding any other provision of law except for any prohibition established in federal law, commencing March 1, 2009, both of the following shall apply:

(a) A recipient of benefits under this chapter shall submit the documentation required under subdivision (b) of Section 27 of the Government Code in addition to any other documentation required under this chapter, as a condition of eligibility for benefits.

(b) Federal or state funds shall not be expended to reimburse a provider for prenatal care services, or any other nonemergency medical services, unless the recipient of care has satisfied the documentation requirements of subdivision (b) of

Section 27 of the Government Code, and any other requirement imposed by law for the receipt of care. This subdivision shall only apply to the recipients of mental health services, developmental disability programs, long-term care or nursing home care whose initial application for eligibility is made on or after the effective date of this section.

SEC. 6. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.