

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

HOUSE BILL 1909

By: Representative Long

## For An Act To Be Entitled

AN ACT REGARDING PUBLIC ASSISTANCE; TO CREATE THE PUBLIC SERVICES ONLY FOR CITIZENS ACT; TO REQUIRE VERIFICATION OF CITIZENSHIP AND RESIDENCY IN ORDER TO RECEIVE PUBLIC ASSISTANCE; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE PUBLIC SERVICES ONLY FOR CITIZENS ACT; AND TO REQUIRE VERIFICATION OF CITIZENSHIP AND RESIDENCY IN ORDER TO RECEIVE PUBLIC ASSISTANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Public Services Only for Citizens Act".

SECTION 2. Arkansas Code Title 20, Chapter 76, is amended to add an additional subchapter to read as follows:

Subchapter 9 – Citizenship and Residency Verification

20-76-901. Definitions.

As used in this subchapter:

(1)(A) "Federal public benefit" means the same as defined in 8 U.S.C. § 1611(c), as it existed on January 1, 2025.

(B) "Federal public benefit" does not include a benefit



listed in 8 U.S.C. § 1611(b), as it existed on January 1, 2025;

(2) "Political subdivision" means:

(A) A local governmental entity, including without limitation a municipality, metropolitan government, county, utility district, school district, public building authority, or development district, created and existing under the laws of this state; or

(B) An instrumentality of government created by one (1) or more of the local governmental entities named under subdivision (2)(A) of this section;

(3) "State agency" means any agency, department, board, commission, or other body that carries out state functions and programs; and

(4)(A) "State or local public benefit" means the same as defined in 8 U.S.C. § 1621(c), as it existed on January 1, 2025.

(B) "State or local public benefit" does not include a benefit listed in 8 U.S.C. § 1621(b), as it existed on January 1, 2025.

20-76-902. Verification of citizenship of applicants.

(a) Except if prohibited by federal law, a state agency or political subdivision shall verify that each applicant who is eighteen (18) years of age or older who applies for a federal public benefit or a state or local public benefit from the state agency or political subdivision:

(A) Is a United States citizen; and

(B) Resides in this state as provided in this subchapter.

(b)(1) A state agency or political subdivision shall include on all electronic or other forms and on all automated phone systems a written or verbal statement:

(A) Requiring an applicant for a federal public benefit or a state or local public benefit to attest to the applicant's status as a United States citizen under penalty of perjury; and

(B) Describing the penalties for violations of this subchapter.

(2) Subdivision (b)(1) of this section shall be implemented upon the state agency's or political subdivision's first reprinting of applicable forms or updating of the electronic or automated phone systems.

(c) For an applicant who claims United States citizenship, the state agency or political subdivision shall make every reasonable effort to

ascertain verification of the applicant's citizenship, including without limitation requesting the applicant present one (1) of the following:

- (1) A state or United-States-territory-issued certified birth certificate;
- (2) A Certification of Birth Abroad of a Citizen of the United States;
- (3) A Consular Report of Birth Abroad of a United States Citizen;
- (4) A Certificate of Naturalization; or
- (5) A successor document of the documents under subdivisions (c)(1)–(c)(4) of this section.

(d) A state agency or political subdivision shall maintain a copy of all documentation submitted by an applicant under this subchapter for verification in a manner consistent with the state agency's or political subdivision's rules or policies governing storage or preservation of documentation.

(e) For an applicant who claims to reside in this state, the state agency or political subdivision shall make every reasonable effort to ascertain verification of the applicant's residency, including without limitation requesting the applicant present one (1) of the following:

- (1) A utility bill in the applicant's name from at least six (6) months before the application;
- (2) A bank statement in the applicant's name from at least six (6) months before the application;
- (3) An Arkansas driver's license issued in the six (6) months before the application; or
- (4) A state-issued identification card issued in the six (6) months before the application.

(f)(1)(A) A document submitted under subsection (c) of this section shall be presumed to be proof of an applicant's eligibility under this subchapter until a final verification is received by the state agency or political subdivision.

(B) A state agency or political subdivision shall not delay the distribution of a federal public benefit or state or local benefit based solely on the pendency of final verification.

- (2) Upon receipt of a final verification that indicates that the

applicant is not a United States citizen, the state agency or political subdivision shall:

(A) Terminate any recurring federal public benefit and state or local benefit; and

(B) Pursue any applicable action against the applicant.

(g) The verification required by this section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

(h) Verification provided under this subchapter shall be reconsidered by a state agency or political subdivision as frequently as the state agency or political subdivision deem necessary.

#### 20-76-903. Penalties.

(a)(1) A state or local public benefit or a federal public benefit that is provided to an individual who is not a United States citizen is recoverable by the state as a debt due the state.

(2) An individual who receives a state or local benefit or a federal public benefit who is not a United States citizen shall be prosecuted for theft of public benefits under § 5-36-202.

(b) If an individual withholds or falsifies information that may result in the withdrawal of a federal public benefit or a state or local public benefit due to the individual's status as a non-citizen of the United States, then the individual may be prosecuted for any offense he or she committed.

(c)(1) A state agency or political subdivision shall close an individual's open case for a federal public benefit or a state or local public benefit upon a judicial order or administrative determination that the individual is not a United States citizen.

(2)(A) A case closed under subdivision (c)(1) of this section shall remain closed.

(B) An individual whose case is closed under subdivision (c)(1) of this section shall remain ineligible to receive a federal public benefit or a state or local public benefit.

#### 20-76-904. Reporting.

A state agency or political subdivision that provides federal public benefits or state and local public benefits shall report annually at the end

of the fiscal year to the Legislative Council and the Governor on the results of the verification requirements under this subchapter.