

ILLEGAL IMMIGRATION; Fake ID law ratchets up penalties

The Atlanta Journal-Constitution

July 15, 2011 Friday, Main Edition

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The Atlanta Journal-Constitution
ajc.com

Section: NEWS; Pg. 1A

Length: 932 words

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Highlight: Work-related rule affects more than immigrants.

Body

Any Georgia adult who uses a **fake ID** to get a job could go to prison for 15 years and pay a fine of \$250,000.

The new offense, called aggravated identity fraud, went into effect July 1 under a little-noticed provision of the state's new **immigration law**. It applies to everyone, not just **illegal** immigrants. The **penalties** are on par with possessing **up** to 10,000 pounds of marijuana.

"It's a harsh **penalty**," said Frank Rotondo, executive director of the Georgia Association of Chiefs of Police. "But it is meant as an eye-opener, to send a message."

In addition to **illegal** immigrants, those the **law** might snare, officials said, are deadbeat parents who are trying to hide income and young people lying about their age in order to get a job. (However, **penalties** are lower --- no more than three years and \$5,000 --- for culprits younger than 21.)

Before July 1, the crime of using a false form of identification often resulted in probation and a small fine, Rotondo said.

Supporters of the **law** say it will help deter **illegal** immigrants from coming to Georgia and burdening the state's taxpayer-funded public schools, hospitals and courts. Many come to Georgia to find work.

"We just can't afford it," said Bob Andrews, a salesman from Smyrna who followed the new **law's** progress through the state Legislature this year. "The costs are astronomical for the healthcare they get, for education --- not counting the court systems and clogging that **up** and causing all kinds of problems."

But critics said the **penalties** are extraordinarily harsh and could trigger constitutional challenges.

"Not only does it not fit the crime, it's absolutely anti-human rights," said Teodoro Maus, president of the Georgia Latino Alliance for Human Rights, which has successfully fought other provisions of the **law** in court. "It's ridiculous. It's unbelievable."

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This facet of the law has not been placed on hold, unlike two other provisions that would empower police to investigate the immigration status of suspects and punish people who, while committing another offense, knowingly transport or harbor illegal immigrants.

Compared to those provisions, the fake ID section received relatively little attention. Consequently, many police agencies around the state said they are not sure whether they or some other law enforcement agency should enforce it, or even how they would do it.

For now, numerous metro Atlanta police agencies are taking a go-slow approach.

"We're still evaluating how we are going to proceed," said Mekka Parish, spokeswoman of the DeKalb Police Department. "There's not a lot of clarity."

Given the department's lack of experience in handling immigration offenses, it would probably try to hand off the investigation to another agency more familiar with those issues, she said.

In Cobb County, police spokesman Dana Pierce said the police department handles crimes in which someone uses a fake ID to buy beer, but the sheriff's department handles investigations into identity fraud.

But over in the sheriff's department, Col. Don Bartlett said, "My best guess is that the police get this." He added that the use of fake IDs by illegal immigrants seeking work is a big problem.

The Republican author of the law, state Rep. Matt Ramsey of Peachtree City, acknowledged that it applies to anyone. But he said it could help stop the flow of illegal immigrants to Georgia.

Ramsey argued that the maximum penalty is not too harsh because illegal immigrants who use fake identification to get jobs are "putting another person or entity in legal jeopardy --- an employer --- because it is a violation of federal law to employ an illegal alien."

Several police agencies said they're unclear on how they would learn about the crime. Few expect the farmers, landscapers and others who employ immigrants to report someone they discovered using a false identification.

"Without them doing that, we would never know," said Bobby McLemore, the sheriff in Ben Hill County in South Georgia. However, he said, his officers might catch violators during other investigations, "in the course of daily business."

The law has taken effect at a time when most of the hiring for the summer farm season has already occurred. Farmers won't be hiring again in force until the fall. But even now, other employers of immigrants say they are nervous about the new law and remain unsure how it will affect their businesses.

Some employers know little about the law. Melinda James, who employs 150 people on her tomato farm in northeast Georgia, said she followed the public debate and court decision to put on hold the two prominent parts of the immigration law. But she was unaware of the fake ID provision.

James said her workers all provide her with forms of identification. "As far as I know, they're legal," she said.

She worried about whether, if she did discover that a worker was using a fake ID, she would be liable in any way.

"I don't want to do anything illegal," she said.

Other identity fraud crimes, which often are committed in the course of attempting to steal money, already carry hefty penalties, including up to 15 years in prison and a \$250,000 fine for repeat offenses. Rotondo, of the police chiefs group, said penalties have risen with the increase in credit card theft.

Gwinnett County District Attorney Danny Porter predicted that police will develop cases against perpetrators of aggravated identity fraud while investigating other crimes.

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Probably, he said, "law enforcement is going to have some undercover operation for these groups that are creating false IDs, and use portions of this statute to charge them with," he said.

Classification

Language: ENGLISH

Publication-Type: Newspapers

Subject: NEGATIVE PERSONAL NEWS (90%); POLICE FORCES (89%); ILLEGAL IMMIGRANTS (89%); IMMIGRATION (89%); FALSE IDENTITY (89%); IMMIGRATION LAW (88%); US STATE GOVERNMENT (76%); IDENTITY THEFT (75%); CRIMINAL FINES (75%); FINES & PENALTIES (75%); LAW ENFORCEMENT (74%); US STATE IMMIGRATION LAW (74%); EDUCATION SYSTEMS & INSTITUTIONS (74%); INVESTIGATIONS (74%); CRIMINAL INVESTIGATIONS (74%); EXECUTIVES (72%); JAIL SENTENCING (70%); LEGISLATIVE BODIES (69%); CANNABIS (68%); PUBLIC SCHOOLS (68%); ASSOCIATIONS & ORGANIZATIONS (67%); MARIJUANA (53%)

Industry: EDUCATION SYSTEMS & INSTITUTIONS (74%); CANNABIS (68%); PUBLIC SCHOOLS (68%); MARIJUANA (53%)

Geographic: GEORGIA, USA (91%)

Load-Date: July 15, 2011