

HB 2179 -- Employment of Unauthorized Aliens

Sponsor: Wildberger

This bill requires the Attorney General or a prosecuting attorney to investigate any written complaint alleging that an employer is employing an unauthorized alien, including checking the work authorization of the alleged unauthorized alien with the United States Department of Homeland Security. After conducting an investigation, the Attorney General or a prosecuting attorney may, in any county in which the employer does business, seek injunctive relief; place the employer on probation; refer its investigation to the appropriate federal authorities; and/or take any other action authorized by law.

If a court determines that an employer knowingly hired an unauthorized alien, the penalty for a first violation will be a three-year probationary period with notice to any licensing agency, filing quarterly reports of each new employee who is hired, and executing an affidavit within three business days of the court order attesting that the employment of all unauthorized aliens has been terminated and that the employer will not knowingly hire an unauthorized alien. Failure to file the affidavit on time will result in an injunction against the employer transacting business in the state until the affidavit is filed. The court also may enjoin the employer from transacting business in the state for up to 15 days, with the duration of the injunction based on certain specified factors. If an employer knowingly hires an unauthorized alien while on probation, the employer will be enjoined permanently from transacting business in the state and any agency that has issued a license to the employer will be notified of the injunction.

Participation in the federal status verification system at the time the employer hires an alleged unauthorized alien creates a rebuttable presumption that he or she did not knowingly employ an unauthorized alien.

An individual who submits a complaint against an employer who is found to have knowingly hired unauthorized aliens may recover up to 10% of any moneys recovered by the state for any violation.

Beginning July 1, 2009, the Department of Labor and Industrial Relations must, after reviewing relevant data, determine which classification of employers will be required to verify the immigration status of employees through the status verification system.

The bill contains an emergency clause.