

HB 2320 -- Employment of Illegal Aliens

Sponsor: Nolte

This bill prohibits business entities and employers from employing, recruiting, or hiring illegal aliens to perform work in Missouri. Participation in a federal work authorization program which enables employers to electronically verify employment eligibility is required for all business entities and employers, including public employers and business entities receiving a state contract or grant or using state resources. Participation in a federal program is an affirmative defense to an allegation that the business entity hired illegal aliens, unless it is shown by clear and convincing evidence that the business entity had actual knowledge of the unauthorized status of the employee.

Employing an unauthorized alien more than once, failing to provide identity information on employees when requested to do so, or failing to correct violations within 10 business days will result in the suspension of a company's local business license and registration. Only the federal government can determine whether a worker is an unauthorized alien.

A violation of the prohibition against hiring illegal aliens or the requirement to provide information or correct violations by a business entity awarded a state contract or grant or using state resources will result in the termination of the contract and the suspension or debarment of the business entity from doing business in this state for a period of three years. A second or subsequent violation will result in the termination of the contract and the permanent suspension or debarment of the business entity from doing business in this state.

A contractor will not be held liable under the provisions requiring employee information or the correction of violations if the contractor provides documented proof of enrollment in a federal work authorization program or executes a sworn affidavit attesting that all employees are lawfully present in the United States.

Compensation of any kind provided to an unauthorized alien will not be allowed as a business expense deduction from any income or business taxes in this state.

The bill becomes effective January 1, 2009.