

HB 104 -- Employment of Unauthorized Aliens

Sponsor: Wildberger

This bill changes the laws regarding sanctions for hiring unauthorized aliens. In its main provisions, the bill:

(1) Requires business entities being investigated for hiring unauthorized aliens to cooperate in the investigation and gives the Attorney General or prosecuting attorney subpoena powers to obtain information regarding the investigation;

(2) Changes the number of days a business permit is suspended for knowingly hiring an unauthorized alien from a mandatory 14-day period to a period of up to 15 days, to be determined after consideration of certain specified factors;

(3) Requires a court to order a business entity, for the first violation of knowingly hiring an unauthorized alien, to be put on a three-year probationary period, to submit quarterly reports to the Attorney General of all new employees hired during the probationary period, and to file a sworn affidavit within three business days of the court order with the court and Attorney General stating that it has terminated the employment of all unauthorized aliens;

(4) Requires the court to enjoin a business entity that fails to file the affidavit within the three business day requirement from transacting business in the state until the affidavit is filed;

(5) Requires that a business entity that knowingly hired an unauthorized alien while on probation to be permanently enjoined from doing business in the state;

(6) Specifies that a person who submits a complaint against a business entity for hiring unauthorized aliens may receive up to 10% of any moneys recovered by the state for the violation; and

(7) Requires the Department of Labor and Industrial Relations, beginning July 1, 2010, to determine which classification of employers will be required to verify the immigration status of employees through a federal work authorization program.