

HB 275 -- Illegal Aliens

Sponsor: Brattin

Currently, a public employer or business entity receiving a state contract or grant in excess of \$5,000 or a state-administered or state-subsidized tax credit, tax abatement, or loan is required to participate in a federal work authorization program. This bill requires every employer or business entity to enroll and actively participate in a federal work authorization program.

The provision that requires any entity contracting with the state or a political subdivision of the state to provide an affidavit of compliance in a federal work authorization program on an annual basis is repealed.

The provisions regarding the rebuttable presumption that an employer participating in a federal work authorization program has an affirmative defense when the federal government notifies the Attorney General that an employee of the employer is not authorized to work in the United States are repealed. Upon the notification from the federal government that an employee is not authorized to work in the United States, the Attorney General must bring a civil action in the circuit court of Cole County if he or she reasonably believes a business entity has knowingly employed an unauthorized alien.

The penalty imposed on an employer for employing an unauthorized alien is changed from a 14-day suspension of all local licenses, permits, and exemptions to a \$500 fine and 50 hours of community service per unauthorized alien for the first violation. The penalty for a second violation is changed from a one-year suspension to an 18-month suspension of all local licenses, permits, and exemptions and a \$1,000 fine, and 100 hours of community service per unauthorized alien. A third and subsequent violation will result in up to one year in jail, a \$2,500 fine, and 500 hours of community service.

Any costs incurred by a business entity for participating in a federal work authorization program can be deducted from the business entity's income or business taxes in this state.