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HOUSE BILL NO. 1067

Offered January 11, 2006

Prefiled January 11, 2006

A BILL to amend and reenact § 40.1-11.1 of the Code of Virginia, relating to document verification for employment of illegal immigrants; penalty.

Patron—Watts

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-11.1 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-11.1. Employment of illegal immigrants; penalty.

It shall be unlawful and constitute a Class 1 misdemeanor for any employer or any person acting as an agent for an employer, or any person who, for a fee, refers an alien who cannot provide documents indicating that he or she is legally eligible for employment in the United States for employment to an employer, or an officer, agent or representative of a labor organization to knowingly*:*

A. ~~employ~~*Employ*, continue to employ, or refer for employment any alien who cannot provide documents indicating that he or she is legally eligible for employment in the United States*; or*

B. Represent that the alien worker has documents indicating that he or she is legally eligible for employment in the United States.

Each day of employment or false representation of each alien shall constitute a separate civil offense punishable by a civil penalty of $100.

Permits issued by the United States Department of Justice authorizing an alien to work in the United States shall constitute proof of eligibility for employment.

All employment application forms used by State and local governments and privately owned businesses operating in the Commonwealth on and after January 1, 1978, shall ask prospective employees if they are legally eligible for employment in the United States.

2. The provisions of this act shall not be deemed to require any employer to use employment application forms.

INTRODUCED