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HOUSE BILL NO. 1895

Offered January 12, 2011

Prefiled January 11, 2011

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

Patrons—Watts, Abbott and Tata

Referred to Committee for Courts of Justice

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.

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 as any officer, agent, or representative of a labor organization to knowingly employ, continue:

1. 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

2. Falsely represent that the alien worker has documents indicating that he is legally eligible for employment in the United States.

Each day of continued employment or false representation of each alien shall constitute a separate civil offense punishable by a civil penalty of \$250. Investigations and enforcement of violations of this section shall be carried out by the Department. All payments to satisfy civil penalties assessed pursuant to this section shall be paid into a special nonreverting fund in the state treasury, which fund shall be established on the books of the Comptroller to the credit of the Department, and moneys deposited to the special fund shall be used by the Department in carrying out its duties under this section.

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.

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

INTRODUCED

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