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SENATE BILL NO. 185

Offered January 10, 2024

Prefiled January 8, 2024

A BILL to amend and reenact § 40.1-11.2 of the Code of Virginia, relating to employer participation in the E-Verify program.

Patron—Sturtevant

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:**1. That § 40.1-11.2 of the Code of Virginia is amended and reenacted as follows:****§ 40.1-11.2. Participation in E-Verify program.**

A. As used in this section, "E-Verify program" means the electronic verification of work authorization program of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208), Division C, Title IV, § 403(a), as amended, operated by the U.S. Department of Homeland Security, or a successor work authorization program designated by the U.S. Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired employees under the federal Immigration Reform and Control Act of 1986 (P.L. 99-603).

B. All agencies of the Commonwealth shall be enrolled in the E-Verify program by December 1, 2012; and on and after December 1, 2012, use the E-Verify program for each newly hired employee who is to perform work within the Commonwealth.

C. Every employer shall be enrolled in the E-Verify program by January 1, 2025, and on and after January 1, 2025, use the E-Verify program for each newly hired employee who is to perform work within the Commonwealth and shall keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer.

D. Any employer may use the services of an E-Verify agent and E-Verify web services access to meet the requirements of subsection C.

E. Notwithstanding the provisions of subsection C, to the extent an employer is subject to the provisions of 48 C.F.R. Subpart 22.18, such an employer that is in compliance with such provisions shall not be required to meet the provisions of this section.

F. The Attorney General shall request the U.S. Department of Homeland Security, once each calendar quarter, to provide a list of agencies and employers that are enrolled and participate in the E-Verify program and shall make such list available on the Attorney General's website.

INTRODUCED

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