

Regular Session, 2011

HOUSE BILL NO. 411

BY REPRESENTATIVE WOOTON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALIENS/ILLEGAL: Creates the Louisiana Citizen Protection Act

1 AN ACT

2 To amend and reenact R.S. 23:991, 992, 992.2, 995, and 996(A) and (B) and to enact
3 Division 6 of Subpart A of Part VI of Chapter 1 of Title 14 of the Louisiana Revised
4 Statutes of 1950, to be comprised of R.S. 14:100.21 through 100.24, R.S. 14:126.5,
5 R.S. 23:991.1 and 992.3, R.S. 33:227 and 228, and Part XI of Chapter 3 of Title 46
6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:460.31,
7 relative to illegal aliens; to prohibit unlawfully harboring, concealing, transporting,
8 or sheltering an alien; to provide with respect to unlawful solicitation for
9 employment; to provide with respect to alien registration documents; to require
10 employment verification through the federal E-Verify system; to prohibit public
11 employers from contracting with certain persons; to create an immigration
12 enforcement trust fund; to provide with respect to public assistance fraud; to provide
13 for verification of citizenship; to provide for definitions; to provide for penalties; to
14 provide for affirmative defenses; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. Division 6 of Subpart A of Part VI of Chapter 1 of Title 14 of the
17 Louisiana Revised Statutes of 1950, comprised of R.S. 14:100.21 through 100.24, and R.S.
18 14:126.5 are hereby enacted to read as follows:

6. IMMIGRATION AND ALIENS

§100.21. Unlawful harboring, concealing, or sheltering of an alien

A. It shall be unlawful for any person to harbor, conceal, or shelter from detection any alien in any place within the state of Louisiana, including any building, when the offender has knowledge of the fact that the alien has entered or remained in the United States in violation of law and if either of the following occur:

(1) The offender has the intent of assisting the alien in eluding a federal, state, or local law enforcement agency or the United States Citizenship and Immigration Services Bureau.

(2) The offender has the intent of assisting the alien in avoiding or escaping arrest, trial, conviction, or punishment.

B. For the purposes of this Section, "alien" has the same meaning as defined in the Immigration and Nationality Act, 8 U.S.C. 1101(a)(3).

C. Nothing in this Section shall be construed so as to prohibit or restrict the provision of any state or local public benefit described in 8 U.S.C. 1621(b) or regulated public health services provided by a private charity using private funds.

D.(1) Whoever commits the crime of unlawfully harboring, concealing, or sheltering an alien on a first conviction shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

(2) Whoever commits the crime of unlawfully harboring, concealing, or sheltering an alien on a second or subsequent conviction shall be fined not more than two thousand dollars, or imprisoned for not more than one year, or both.

E. The following shall be affirmative defenses to prosecution pursuant to this

Section:

(1) The person was providing humanitarian aid as a designated representative of a nonprofit organization which is tax exempt pursuant to Section 501(c)(3) of the Internal Revenue Code.

(2) The person was the attorney or his designee, or such other persons
authorized to represent clients in immigration matters pursuant to 8 CFR §1292.1,

1 or their designee, and who was assisting the alien and providing representation to the
2 alien in the course and scope of the attorney's or other authorized representative's
3 employment.

4 §100.22. Unlawful transportation of an alien

5 A. It shall be unlawful for any person to transport, move, or attempt to
6 transport in the state of Louisiana any alien, knowing or in reckless disregard of the
7 fact that the alien has entered or remained in the United States in violation of law,
8 in furtherance of the illegal presence of the alien in the United States.

9 B. For the purposes of this Section, "alien" has the same meaning as defined
10 in the Immigration and Nationality Act, 8 U.S.C. 1101(a)(3).

11 C. Nothing in this Section shall be construed so as to prohibit or restrict the
12 provision of any state or local public benefit described in 8 U.S.C. 1621(b) or
13 regulated public health services provided by a private charity using private funds.

14 D.(1) Whoever commits the crime of unlawfully transporting an alien on a
15 first conviction shall be fined not more than one thousand dollars, or imprisoned for
16 not more than six months, or both.

17 (2) Whoever commits the crime of unlawfully transporting an alien on a
18 second or subsequent conviction shall be fined not more than two thousand dollars,
19 or imprisoned with or without hard labor for not more than one year, or both.

20 E. The following shall be affirmative defenses to prosecution pursuant to this
21 Section:

22 (1) The person was providing humanitarian aid as a designated
23 representative of a nonprofit organization which is tax exempt pursuant to Section
24 501(c)(3) of the Internal Revenue Code.

25 (2) The person was the attorney or his designee, or such other persons
26 authorized to represent clients in immigration matters pursuant to 8 CFR §1292.1,
27 or other designee, representing the alien and who was transporting the alien in the
28 course and scope of the attorney's or other authorized representative's employment.

1 §100.23. Unlawful stopping to hire and pick up passengers for work; unlawful
2 application, solicitation, or employment; definitions

3 A. No occupant of a motor vehicle that is stopped on a street, roadway, or
4 highway shall attempt to hire or hire and pick up passengers for work at a different
5 location.

6 B. No person shall enter a motor vehicle that is stopped on a street, roadway,
7 or highway in order to be hired by an occupant of the motor vehicle and to be
8 transported to work at a different location.

9 C. No person who is unlawfully present in the United States and who is
10 unauthorized to apply for work shall solicit work in a public place or perform work
11 as an employee or independent contractor in this state.

12 D. A law enforcement officer or agency shall not consider race, color, or
13 national origin in the enforcement of this Section except to the extent permitted by
14 the United States or Louisiana Constitution.

15 E. In enforcement of this Section, an alien's immigration status may be
16 determined by:

17 (1) A law enforcement officer who is authorized by the federal government
18 to verify or ascertain an alien's immigration status.

19 (2) The United States Immigration and Customs Enforcement or the United
20 States Customs and Border Protection pursuant to 8 U.S.C. 1373(c).

21 F. Whoever commits the crime of unlawful stopping to hire and pick up
22 passengers for work or unlawful application, solicitation, or employment shall be
23 fined not more than five hundred dollars, or imprisoned for not more than six
24 months, or both.

25 G. For the purposes of this Section:

26 (1) "Solicit" shall mean any verbal or nonverbal communication by a gesture
27 or a nod that would indicate to a reasonable person that a person is willing to be
28 employed.

1 (2) "Unauthorized alien" means an alien who does not have the legal right
2 or authorization under federal law to work in the United States as described in 8
3 U.S.C. 1324(h)(3).

4 §100.24. Willful failure to complete registration or carry an alien registration
5 document

6 A. Unless the requirement is waived by the attorney general of the United
7 States, every alien or parent or legal guardian of an alien now or hereafter in the
8 United States shall apply for the registration of such alien and carry such registration
9 document, if he meets any of the following criteria:

10 (1) Has attained the age of fourteen years.

11 (2) Has not previously been registered and fingerprinted as required by the
12 Alien Registration Act.

13 (3) Remains in the United States for thirty days or longer.

14 B. In the enforcement of this Section, an alien's immigration status may be
15 determined by:

16 (1) A law enforcement officer who is authorized by the federal government
17 to verify or ascertain an alien's immigration status.

18 (2) The United States Immigration and Customs Enforcement or the United
19 States Customs and Border Protection pursuant to 8 U.S.C. 1373(c).

20 C. A law enforcement officer or agency may not consider race, color, or
21 national origin in the enforcement of this Section except to the extent permitted by
22 the United States or Louisiana Constitution.

23 D. The provisions of this Section shall not apply to any person who
24 maintains authorization from the federal government to remain in the United States.

25 E. Any record that relates to the immigration status of a person is admissible
26 in any court without further foundation or testimony from a custodian of records if
27 the record is certified as authentic by the government agency that is responsible for
28 maintaining such records.

F.(1) Whoever commits the crime of willful failure to complete registration or carry an alien registration document shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

(2) Whoever commits the crime of willful failure to complete registration or carry an alien registration document on a second or subsequent conviction shall be fined not more than two thousand dollars, or imprisoned with or without hard labor for not more than one year, or both.

* * *

§126.5. Failure to report fraud in obtaining public assistance

A. Any person, including a public employee who is employed at a government agency that administers benefits, who knows that a person has given a false statement or otherwise misrepresented the material facts to obtain public assistance, and does not report the violation, shall be guilty of failure to report fraud in obtaining public assistance.

B. Whoever commits the crime of failure to report fraud in obtaining public assistance shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

Section 2. R.S. 23:991, 992, 992.2, 995, and 996(A) and (B) are hereby amended and reenacted and R.S. 23:991.1 and 992.3 are hereby enacted to read as follows:

§991. Purpose; enforcement

The purpose of this Part is to exercise the state's police powers to regulate employment relations in order to protect workers within the state. The Louisiana Workforce Commission, in conjunction with the Louisiana State Police, the criminal sheriffs, and the local police departments for the various political subdivisions of this state shall enforce the provisions of this Part, except that R.S. 23:995 shall be enforced by the Louisiana Workforce Commission.

§991.1. Definitions

As used in this Part, unless the context clearly indicates otherwise, the
following terms shall be defined as follows:

1 (1) "Private employer" means any person who has one or more employees
2 and who is not a public employer.

3 (2) "Public employer" and "public agency" mean any department, agency,
4 or instrumentality of the state or a political subdivision of the state.

5 (3) "Status verification system" means an electronic system operated by the
6 federal government to verify or ascertain the citizenship or immigration status for
7 authority to legally work in the United States. The status verification system shall
8 be deemed to include:

9 (a) The electronic verification of work authorization program of the Illegal
10 Immigration Reform and Immigration Responsibility Act of 1996, Section 403(a);
11 8 U.S.C. 1324(a) and operated by the United States Department of Homeland
12 Security.

13 (b) Any equivalent federal program designated by the United States
14 Department of Homeland Security or any other federal agency authorized to verify
15 the work eligibility status of newly hired employees, pursuant to the Immigration
16 Reform and Control Act of 1986.

17 (c) Any other independent, third-party system, permitted for use by the
18 federal government, with an equal or higher degree of reliability as the programs,
19 systems, or processes described in this Paragraph.

20 (d) The Social Security Number Verification Service or such similar online
21 verification process implemented by the United States Social Security
22 Administration.

23 (4) "Subcontractor" means a subcontractor, contract employee, staffing
24 agency, or any contractor.

25 (5) "Unauthorized alien" means an alien as defined in 8 U.S.C.
26 1324(a)(h)(3).

27 §992. Employment of certain aliens; contracts; prohibition; compliance assistance

28 A. No person, either for himself or on behalf of another, private or public
29 employer shall employ, hire, recruit, or refer, for private or public employment

1 within the state, an unauthorized alien or contract, subcontract, or otherwise enter
2 into any contractual agreement to obtain the labor of an unauthorized alien who is
3 not entitled to lawfully reside or work in the United States.

4 B. Every public and private employer shall register with and utilize a status
5 verification system as described in R.S. 23:991.1(3) to verify the federal employment
6 authorization status of all new employees.

7 C. No public employer shall enter into any contract unless the person with
8 which the public employer contracts registers and participates in the status
9 verification system provided for in R.S. 23:991.1. The public employer shall require
10 that any bid or proposal include affirmation that the prospective contractor and any
11 subcontractor participate in such a system to assist in verifying the identity and legal
12 working status of all new employees.

13 D. No private employer shall enter into any contract to provide products or
14 services for a public agency unless the private employer registers and participates in
15 the status verification system provided for in R.S. 23:991.1 to assist in verifying the
16 identity and legal working status of all new employees.

17 E. A public employer shall cancel any contract with a private employer if
18 that private employer has not participated in the status verification system as
19 required by this Part.

20 F. Every contract entered into between a public agency and a private
21 employer shall be deemed to include a provision that authorizes the public agency
22 to cancel the contract if the private employer does not participate in the status
23 verification system as required by this Part.

24 G. For two years, the Louisiana Workforce Commission shall provide
25 training and instructions regarding the completion of the registration process for the
26 federal E-Verify system and technical advice regarding participation in any other
27 status verification system provided for in R.S. 23:991.1.

1 system, the executive director shall notify the attorney general or district attorney in
2 the parish in which the employer is domiciled of such action.

3 * * *

4 §995. Civil penalties

5 A. No ~~person, either for himself or on behalf of another,~~ private or public
6 employer shall employ, hire, recruit, or refer, for private or public employment
7 within the state, an unauthorized alien or contract, subcontract, or otherwise enter
8 into any contractual agreement to obtain the labor of an unauthorized alien who is
9 not entitled to lawfully reside or work in the United States.

10 * * *

11 §996. Cease and desist order; injunctive relief

12 A. An agency, department, board, or commission of the state or any political
13 subdivision may notify the attorney general or the district attorney that the agency
14 has determined, after an investigation initiated by the agency or by a private party's
15 written complaint to the agency, that an employer who operates a Louisiana business
16 or enterprise is knowingly employing an ~~undocumented~~ unauthorized alien in
17 violation of this Chapter.

18 B. The attorney general or district attorney in the parish in which the
19 employer is domiciled or in the parish in which the violation occurred is empowered
20 to issue an order to the employer engaged in the activity constituting the violation
21 of the provision of this Chapter directing such employer to cease and desist from
22 such activity and to discharge from employment, for cause, the ~~undocumented~~
23 ~~workers~~ unauthorized alien. Such order shall be issued in the name of the state of
24 Louisiana under the official seal of the attorney general or the official seal of the
25 district attorney and shall be served where the employer is domiciled in the state of
26 Louisiana or the employer's registered agent in the state of Louisiana.

27 * * *

Section 3. R.S. 33:227 and 228 are hereby enacted to read as follows:

§227. Immigration Enforcement Trust Fund

A. There is hereby established a special fund in the state treasury to be known as the Immigration Enforcement Trust Fund which shall consist of monies collected pursuant to R.S. 33:228. In addition, the legislature may make annual appropriations to the trust fund for the purposes set forth in R.S. 33:228 and this Section.

B. All monies collected pursuant to R.S. 33:228 and this Section shall be forwarded to the state treasurer upon receipt. After deposit in the Bond Security and Redemption Fund as required by Article VII, Section 9(B) of the Constitution of Louisiana, all amounts so received shall be credited to the Immigration Enforcement Trust Fund.

C. The monies in the fund shall be used to provide support to municipal police departments and sheriff's offices in combating illegal immigration and in the enforcement of the laws enumerated in R.S. 33:228 and this Section.

§228. Cooperation and assistance in enforcement of immigration laws

A. No official or agency of this state or political subdivision of this state shall limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by such federal law.

B. For any lawful stop, detention, or arrest made by any law enforcement officer where reasonable suspicion exists that the person stopped is an alien and is unlawfully present in the United States, a reasonable attempt shall be made, when practicable, to determine the immigration status of the person, except if the determination may hinder or obstruct an investigation. The citizenship status of an arrested person shall be verified pursuant to 8 U.S.C. 1373(c) before he may be released. The arrested person shall be presumed not to be an alien who is unlawfully present in the United States if he can provide to the law enforcement agency any of the following documentation:

(1) A valid Louisiana driver's license.

1 (2) A valid Louisiana special identification card.

2 (3) A valid tribal enrollment card, a tribal or Bureau of Indian Affairs
3 affidavit of birth, or a tribal certificate of Indian blood.

4 (4) A birth certificate or delayed birth certificate issued in any state, territory,
5 or possession of the United States.

6 (5) A United States certificate of birth abroad.

7 (6) A United States passport.

8 (7) A foreign passport with a United States visa.

9 (8) An I-94 form with a photograph.

10 (9) A United States Citizenship and Immigration Services employment
11 authorization document or refugee travel document.

12 (10) A United States certificate of naturalization.

13 (11) A United States certificate of citizenship.

14 C. If an alien who is unlawfully present in the United States is convicted of
15 a violation of state or local law, on discharge from imprisonment or on the
16 assessment of any monetary obligation that is imposed, the United States
17 Immigration and Customs Enforcement or the United States Customs and Border
18 Protection shall be immediately notified.

19 D. Notwithstanding any provision of law to the contrary, a law enforcement
20 agency may securely transport an alien who the agency has received verification is
21 unlawfully present in the United States to a point of transfer that is outside of this
22 state.

23 E. In the implementation of this Section, an alien's immigration status may
24 be determined by:

25 (1) A law enforcement officer who is authorized by the federal government
26 to verify or ascertain an alien's immigration status.

27 (2) The United States Immigration and Customs Enforcement or the United
28 States Customs and Border Protection pursuant to 8 U.S.C. 1373(c).

1 F. Except as provided in federal law, officials or agencies of this state or any
2 political subdivision of this state, may not be prohibited or in any way be restricted
3 from sending, receiving, or maintaining information relating to the immigration
4 status, lawful or unlawful, of any individual or exchanging that information with any
5 other federal, state, or local governmental entity for any of the following official
6 purposes:

7 (1) Determining eligibility for any public benefit, service, or license
8 provided by any federal, state, or local entity.

9 (2) Verifying any claim of residence or domicile if determination of
10 residence or domicile is required under the laws of this state or a judicial order issued
11 pursuant to a civil or criminal proceeding in this state.

12 (3) Determining if the alien is in compliance with the federal registration
13 laws prescribed by Title II, Chapter 7 of the Federal Immigration and Nationality
14 Act.

15 (4) Pursuant to 8 U.S.C. 1373 and 1644.

16 G. This Section does not implement, authorize, or establish and shall not be
17 construed to implement, authorize, or establish the REAL ID Act of 2005 (P.L. 109-
18 13, Division B; 119 Stat. 302), including the use of a radio frequency identification
19 chip.

20 H. A person who is a legal resident of this state may bring an action in
21 district court to challenge any official or agency of this state or political subdivision
22 that adopts or implements a policy that limits or restricts the enforcement of federal
23 immigration laws, including 8 U.S.C. 1373 and 1644, to less than the full extent
24 permitted by federal law. If there is a judicial finding that an entity has violated the
25 provisions of this Section, the court shall order that the entity pay a civil penalty of
26 not less than five hundred dollars and not more than five thousand dollars for each
27 day that the policy has remained in effect after the filing of an action pursuant to this
28 Subsection.

1 I. The court shall collect the civil penalty prescribed in Subsection H of this
2 Section and remit the funds to the state treasurer to deposit in the Immigration
3 Enforcement Fund.

4 J. The court may award court costs and reasonable attorney fees to any
5 person or any official or agency of this state or political subdivision that prevails by
6 an adjudication on the merits in a proceeding brought pursuant to this Section.

7 K. Except in relation to matters in which the officer is adjudged to have
8 acted in bad faith, a law enforcement officer is indemnified by the law enforcement
9 officer's agency against reasonable costs and expenses, including attorney fees,
10 incurred by the officer in connection with any action, suit, or proceeding brought
11 pursuant to this Section in which the officer may be a defendant due to his actions
12 in the course and scope of his employment.

13 L. This Section shall be implemented in a manner consistent with federal
14 laws regulating immigration, protecting the civil rights of all persons and respecting
15 the privileges and immunities of United States citizens.

16 Section 4. Part XI of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950,
17 comprised of R.S. 46:460.31, is hereby enacted to read as follows:

18 PART XI. PUBLIC BENEFITS

19 §460.31. Eligibility for state, local, or federal public benefits; documentation

20 A. Notwithstanding any other provision of law to the contrary, any person
21 who applies for any state, local, or federal public benefit that is administered by this
22 state or any political subdivision, and that requires participants to be citizens of the
23 United States shall submit at least one of the following documents to demonstrate
24 lawful presence in the United States to the entity administering the public benefit:

25 (1) A Louisiana driver's license or special identification card.

26 (2) A birth certificate or delayed birth certificate issued in any state, territory,
27 or possession of the United States.

28 (3) A United States certificate of birth abroad.

29 (4) A United States passport.

1 (5) A foreign passport with a United States visa.

2 (6) An I-94 form with a photograph.

3 (7) A United States Citizenship and Immigration Services employment
4 authorization document or refugee travel document.

5 (8) A United States certificate of naturalization.

6 (9) A United States certificate of citizenship.

7 (10) A tribal certificate of Indian blood.

8 (11) A tribal or Bureau of Indian Affairs affidavit of birth.

9 B. For purposes of this Part, documentation of citizenship and legal
10 residence shall conform with the requirements of Title XIX of the Social Security
11 Act.

12 C. To the extent permitted by federal law, any agency or political
13 subdivision of this state may allow tribal members, the elderly, and persons with
14 disabilities or incapacity of the mind or body to provide documentation as specified
15 in Section 6036 of the Federal Deficit Reduction Act of 2005 (P.L. 109-171; 120
16 Stat. 81) and related federal guidance in lieu of the documentation required by this
17 Section.

18 D. Any person who applies for any state, local, or federal public benefit shall
19 sign a sworn affidavit stating that the documents presented pursuant to Subsection
20 A of this Section are true under penalty of perjury.

21 E.(1) Any employee of an agency of this state or a political subdivision of
22 this state that administers any federal public benefit shall report discovered violations
23 of federal immigration law.

24 (2) Any employee who fails to report such violations or any supervisor who
25 knew of the failure to report and failed to direct the employee to make the report
26 shall be guilty of failure to report fraud in obtaining public assistance, pursuant to
27 R.S. 14:126.5.

28 F. The provisions of this Section shall be enforced without regard to race,
29 color, religion, sex, age, disability, or national origin.

1 G. Any person who is a resident of this state has standing in any court of
 2 record to bring suit against any agent or agency of this state or its political
 3 subdivisions to remedy any violation of any provision of this Section, including an
 4 action for mandamus. Courts shall give preference to actions brought under this
 5 Section over other civil actions or proceedings pending in the court.

6 H. The court may award court costs and reasonable attorney fees to any
 7 person or any official or agency of this state or political subdivision of this state that
 8 prevails by an adjudication on the merits in a proceeding brought pursuant to this
 9 Section.

10 I. For purposes of this Section, "federal public benefit" has the same
 11 meaning prescribed in 8 U.S.C. 1611.

12 Section 5. The provisions of Section 2 of this Act shall not apply to contracts entered
 13 into prior to January 1, 2012.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Wooton

HB No. 411

Abstract: Creates the La. Citizen Protection Act to provide with respect to verification of citizenship status of residents of La. as it relates to employment, public benefits, identification, arrest, criminal offenses, and law enforcement.

Proposed law (R.S. 14:100.21 and 100.22) creates the crimes of unlawfully harboring, concealing, or sheltering an illegal alien and provides for penalties.

Proposed law provides that it shall be unlawful for any person to harbor, conceal, or shelter from detection any alien in any place within the state of La., including any building or means of transportation, knowing or in reckless disregard of the fact that the alien has entered or remained in the U.S. in violation of law.

Proposed law lists affirmative defenses to the crimes of unlawfully harboring, concealing, transporting, or sheltering an illegal alien, including the administration of humanitarian aid in certain circumstances and representing the alien as an attorney or designee in an immigration matter.

Proposed law (R.S. 33:100.23) creates the crime of unlawful stopping to hire and pick up passengers for work and unlawful application, solicitation, or employment which prohibits any occupant of a motor vehicle from hiring illegal aliens.

Proposed law prohibits solicitation for employment for any person who is unlawfully present in the U.S.

Proposed law (R.S. 14:100.24) creates the crime of willful failure to complete and carry an alien registration document and lists requirements for those required to do so.

Proposed law provides allowable criteria for the determination of an alien's immigration status.

Proposed law prohibits law enforcement's use of race, color, or national origin in the enforcement of proposed law.

Proposed law (R.S. 14:126.5) creates the crime of failure to report fraud in obtaining public assistance.

Proposed law requires cooperation and assistance in enforcement of immigration laws.

Proposed law (R.S. 23:991.1) provides for definitions.

Present law (R.S. 23:992) prohibits the employment, hiring, recruiting, or referring for employment, within the state of an alien who is not entitled to lawfully reside or work in the U.S.

Proposed law requires every employer to register with and utilize a status verification system to verify the federal employment authorization status of all new employees.

Proposed law prohibits certain employers from entering into a contract with any party who does not utilize a status verification system to verify the legal working status of all new employees.

Proposed law further requires a public employer to cancel any contract with a private employer who has not participated in the status verification system.

Proposed law requires that the La. Workforce Commission (LWC) provide training and instruction for two years for the federal E-Verify system and for any other status verification systems.

Proposed law shall be exercised without regard to race, religion, ethnicity, or national origin.

Present law (R.S. 23:992.2) prohibits prosecution if employees have provided a picture identification and one of several certain other identification documents.

Proposed law repeals the requirement for the employer to retain identification documentation and requires that the employer verify employment eligibility by using a status verification system.

Proposed law provides immunity from liability to any employer who relies in good faith on the status verification system to determine an applicant's eligibility to work.

Proposed law (R.S. 23:992.3) requires the LWC to investigate complaints of violations and the executive director of the LWC to verify the work verification status of employees who are employed with the employer against whom the complaint was alleged.

Proposed law requires the employer to terminate any employee whose work status could not be verified by the director.

Proposed law requires that after a complete investigation that reveals that the employer failed to utilize the status verification system, the executive director of LWC shall notify the attorney general or district attorney.

Present law (R.S. 23:995) prohibits any person from hiring an alien who is not entitled to lawfully reside or work in the U.S.

Proposed law expands present law by prohibiting any employer from hiring an unauthorized alien or enter into any contractual agreement to obtain the labor of an alien who is not entitled to lawfully reside or work in the U.S.

Present law (R.S. 23:996) authorizes an agency, department, board, or commission of the state or any political subdivision to notify the attorney general or the district attorney that the agency has determined, after an investigation initiated by the agency or by a private party's written complaint to the agency, that an employer who operates a La. business or enterprise is knowingly employing an undocumented alien in violation of present law.

Present law authorizes the attorney general or district attorney to issue a cease and desist order for violations of law and requires the termination of undocumented workers.

Proposed law changes the term "undocumented worker" to "unauthorized alien".

Proposed law (R.S. 33:227) creates the Immigration Enforcement Trust Fund for funds collected as civil fees for violations of immigration enforcement laws.

Proposed law requires that funds deposited in the Immigration Enforcement Trust Fund be used by law enforcement agencies in the enforcement of state and federal immigration laws.

Proposed law (R.S. 33:228) requires the cooperation and assistance of state agencies and political subdivisions in the enforcement of immigration laws.

Proposed law further requires law enforcement to make a reasonable attempt to determine the immigration status of any person under a lawful stop, detention, or arrest.

Proposed law (R.S. 46:460.31) requires that every person who applies for public assistance must have his citizenship verified.

Proposed law lists the documentation that may be used to verify citizenship which includes:

- (1) A La. driver's license or special identification card.
- (2) A birth certificate or delayed birth certificate issued in any state, territory, or possession of the U.S.
- (3) A U.S. certificate of birth abroad.
- (4) A U.S. passport.
- (5) A foreign passport with a U.S. visa.
- (6) An I-94 form with a photograph.
- (7) A U.S. citizenship and immigration services employment authorization document or refugee travel document.
- (8) A U.S. certificate of naturalization.
- (9) A U.S. certificate of citizenship.
- (10) A tribal certificate of Indian blood.
- (11) A tribal or Bureau of Indian Affairs affidavit of birth.

Proposed law provides that if an employee of a state agency or political subdivision knows that a person who applies or applied for public benefits violated federal immigration law, the employee shall be guilty of failure to report fraud in obtaining public assistance.

Proposed law requires that the provisions of proposed law be administered without regard to race, color, religion, sex, age, disability, or national origin.

Proposed law grants standing to any resident of the state in a suit against any agent, agency, or political subdivision to remedy a violation of proposed law. Proposed law requires courts to give preference to actions brought pursuant to proposed law over other civil matters.

Proposed law provides that the court may award court costs and reasonable attorney fees to the prevailing party.

Proposed law provides that the provisions of this Act shall only apply to employees hired on or after Jan. 1, 2012.

(Amends R.S. 23:991, 992, 992.2, 995, and 996(A) and (B); Adds R.S. 14:100.21-100.24, R.S. 14:126.5, R.S. 23:991.1 and 992.3, R.S. 33:227 and 228, and R.S. 46:460.31)