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## DIGEST

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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)