DIGEST

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Talbot HB No. 646

Abstract: Provides with respect to the verification of citizenship and employment eligibility.

Present law prohibits an employer from hiring an alien who is not entitled to lawfully reside or work in the U.S. and provides civil penalties for violations.

Proposed law retains present law.

Present law (R.S. 23:992.2) prohibits prosecution of an employer who verifies citizenship of his employees by requiring every employee to present a picture ID as well as a U.S. birth certificate, naturalization certificate, alien registration receipt card, or U.S. immigration form I-94.

Proposed law adopts the provisions of present law (R.S. 23:992.2) to also apply to civil investigations of violations and further provides that the employer may use either a picture ID in addition to a U.S. birth certificate, naturalization certificate, alien registration receipt card, or U.S. immigration form I-94, or utilize the federal E-Verify system to determine employment eligibility.

Proposed law further provides that any employer who relies on the E-Verify system for the verification of employment eligibility of an employee shall not be penalized for any error that results in the employment of a person unauthorized to work in the U.S.

Present law provides that the executive director of the La. Workforce Commission shall enforce present law and shall impose the following civil penalties on noncompliant businesses: a fine of not more than $250 for each alien employed upon a first violation, upon a second violation, a fine of not more than $500 for each alien employed, and upon a third or subsequent violation, a fine of not more than $1,000 for each alien employed.

Proposed law retains present law and adds an additional penalty upon a second violation, which is the suspension of the violating party's permit or license to do business in this state, and on a third violation, a suspension of a party's permit or license to do business in this state for not less than six months.

(Amends R.S. 23:995)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Required the executive director of LWC to inform, rather than advise local governing authorities regarding the suspension of business permits or licenses of violators.

2. Removed the requirement that a violating party's business permit or license shall be revoked on a third violation, and instead requires an immediate suspension for not less than six months for a third violation.

3. Added technical amendments.