Talbot (HB 646) **Act No. 402**

Existing 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.

New law retains existing law.

Existing 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.

New law adopts the provisions of existing 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.

New 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.

Prior law provides that the executive director of the La. Workforce Commission shall enforce prior 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.

New law heightens the penalties for violations, changing the fine on a first violation from $250 to $500, on a second violation, changes the fine from $500 to $1000, and adds an additional penalty for a third violation, which is a suspension of a party's permit or license to do business for not less than 30 days nor more than six months, as well as increasing the fine from $1000 to $2500.

New law provides that the penalties in new law shall not apply to any healthcare facility or entity licensed by the Dept. of Health and Hospitals (DHH), and that DHH shall follow the applicable licensing statutes and rules for suspension of licenses.

Effective August 15, 2011.

(Amends R.S. 23:995)