

HOUSE BILL 74

By Turner M

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 50, relative to employment of illegal
aliens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by inserting the following as a new, appropriately designated section thereto:

(a) As used in this section, unless the context otherwise requires:

(1) "Illegal alien" means a person who is not entitled to lawful residence in the United States pursuant to the federal Immigration and Naturalization Act.

(2) "Lawful resident alien" means a person who is entitled to lawful residence in the United States pursuant to the federal Immigration and Naturalization Act.

(3) "Lawful resident verification information" means the documentation that is required by the United States department of homeland security when completing the employment eligibility verification form commonly referred to as the federal "Form I-9". For the purpose of this act, that documentation must be maintained in the employee's personnel file for the entire period of employment and for no less than two (2) years thereafter. Documentation that later proves to be falsified, but that at the time of employment satisfies the requirements of the "Form I-9", is lawful resident verification information.

(b)

(1) An employer shall verify the lawful resident information required by the United States department of homeland security at the time a person's

employment begins with the employer and to retain the information for the period required by subsection (a)(3).

(2) The commissioner of labor and workforce development is authorized to assess a civil penalty of fifteen hundred dollars (\$1,500.00) per violation after a hearing held pursuant to the uniform administrative procedures act, title 4, chapter 5 on any employer who fails to obtain and retain the employment eligibility verification information required pursuant to subsection (a).

(c) It is an offense for an employer to knowingly employ an illegal alien.

(d) A violation of subsection (c) is a Class E felony.

SECTION 2. Tennessee Code Annotated, Section 50-1-103, is amended by deleting the section in its entirety.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2007, the public welfare requiring it.