

SENATE BILL 1870

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 50, relative to verifying immigration
status of employees.

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

SECTION 1. This act shall be known, and may be cited, as the “Employer Responsibility in Hiring Practices Act”.

SECTION 2. 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) “Basic pilot program” means the federal electronic work authorization verification service provided by the United States department of homeland security pursuant to the federal Basic Pilot Program Extension and Expansion Act of 2003;

(2) “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”. 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; and

(3) “Person” includes any individual, partnership, association, company, business or corporation of any size regulated by, doing business in or using the services of employees in this state, including entering into a contract for the provision of such services.

(b) On and after January 1, 2008, no person shall employ an individual in this state without verifying the immigration status of that individual. Verification of immigration status shall be accomplished by:

(1) Obtaining lawful resident verification information from the individual prior to such individual's employment and maintaining such information in the individual's personnel file for the entire period of employment and for no less than two (2) years thereafter; and

(2) Confirming immigration status prior to such individual's employment by using the basic pilot program offered by the federal department of homeland security, and maintaining documentation of such confirmation in the individual's personnel file for the entire period of employment and for no less than two (2) years thereafter.

(c) From January 1, 2008 through June 30, 2008, a violation of subsection (b) is a Class C misdemeanor punishable only by a fine not to exceed one hundred dollars (\$100) per violation.

(d) On and after July 1, 2008, a violation of subsection (b) is a Class A misdemeanor punishable only by a fine of one thousand dollars (\$1,000) per violation. Each employee hired without verification of immigration status in compliance with this section, regardless of the actual immigration status of the employee, constitutes a separate violation of subsection (b).

(e) The department of labor and workforce development is authorized to conduct audits of employer records for the purpose of identifying potential violations of this section and shall report any such potential violation to local law enforcement.

SECTION 2. The commissioner of labor and workforce development is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and

regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.