



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: APPROP DPA 10-7-0-0

HCR2060: lawful presence; e-verify program; penalties

Sponsor: Representative Toma, LD 27

Caucus & COW

Overview

Submits a proposition to the voters relating to employment and the use of the E-Verify program.

History

Each employer must use the E-Verify program after hiring an employee to verify the employment eligibility of the employee and must keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer. An *employer* is defined as any individual or type of organization that transacts business in Arizona. Employer includes this state, any political subdivision and self-employed individuals. In the case of an independent contractor, employer means the independent contractor and does not include the person or organization that uses the contract labor ([A.R.S. § 23-211](#)).

Provisions

1. Requires a municipality or county that receive state monies for a public welfare program to use the E-Verify program to verify the adult recipient is lawfully present in the United States under federal law before disbursing public welfare monies.
2. Directs the municipality or county to keep a record of the citizen verification for at least three years.
3. Establishes that due to the economic and fiscal impact of illegal immigration on Arizona, regulating public welfare programs that use state monies is a matter of statewide concern.
4. States that a person commits obstruction of the legal duty to use E-Verify by committing any completed or preparatory offense for the benefit of any person who has the intent to obstruct a person from using the E-Verify program and a violation is a class 6 felony.
5. Modifies the definition of *employer* within statute relating to employment practices by including, rather than excluding, a person or organization that uses contract labor.
6. Includes an independent contractor or subcontractor to the requirement of an employer to use the E-Verify program after hiring.
7. Requires an agency to verify an applicant is lawfully present in the United States by using the E-Verify program before issuing a document or license and must keep this record for at least three years.
8. Defines *agency* and *license*.
9. Entitles this Act the *Protecting Arizona Against Illegal Immigration Act*.

10. Directs the Secretary of State to submit this proposition to the voters at the next general election.

11. Makes technical changes.

Amendments

Committee on Appropriations

1. Delays the requirement to use E-Verify for municipalities, counties or state agencies until on or after January 1, 2026.
2. Specifies that the E-Verify program must be used before enrolling the recipient in the public welfare program unless state law declares a person without lawful immigration status is eligible for the financial aid or benefit.
3. Directs a municipality or county, by January 1, 2029, to use the E-Verify program to confirm each non-United States citizen who receives financial aid or benefit through a public welfare program is lawfully present in the United States under federal law.
4. Instructs the municipality, county or state agency to do the following if verification of the lawful presence of the recipient cannot be made:
 - a) promptly remove the recipient from the public welfare program; and
 - b) discontinue the provision of financial aid or benefit to the recipient unless state law declares a person without lawful immigration status is eligible.
5. Clarifies that a person commits obstruction of the legal duty to use E-Verify when the person, acting alone or in conjunction with another person, commits an offense.
6. Stipulates that an employer commits obstruction of the legal duty to use E-Verify if the employer knowingly refuses to verify the employment eligibility of a person through the program as statutorily required when the employer knows that the person is not lawfully present in the United States under federal law.
7. Requires an employer to do the following on or after January 1, 2026:
 - a) verify the employment eligibility of the employee, independent contractor or subcontractor through the E-Verify program; and
 - b) keep a record of the verification for the duration of the employment or at least three years, whichever is longer.
8. Exempts, from the requirement to use the E-Verify program:
 - a) independent contractors or subcontractors that are paid less than \$600 per year by the employer;
 - b) independent contractors or subcontractors that have received employment authorization documents from the federal government; and
 - c) direct sellers as defined in federal code.
9. Stipulates that, on or after January 1, 2026:
 - a) the Attorney General or county attorney must investigate, upon receipt of a complaint, whether an employer violated E-Verify program requirements;
 - b) a county sheriff or other local law enforcement may assist in investigation of a complaint;

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- c) the Attorney General or county attorney may file an action in superior court to enforce the E-Verify program requirements after an investigation to find an employer has knowingly employed an unauthorized alien;
- d) an employer who is found in violation is liable for a civil penalty that is supplementary and no more than \$10,000 for each employed unauthorized alien and outlines how the civil penalties must be paid;
- e) it is an affirmative defense in an action that the employer complied in good faith with federal code;
- f) independent contractors and subcontractors are not required to conduct a self-verification; and
- g) an employer is not required to use the E-Verify program for employees, independent contractors or subcontractors if the employer has already confirmed eligibility for employment through the E-Verify program.

10. Defines *public welfare program*.