

2016 Regular Session

HOUSE BILL NO. 661

BY REPRESENTATIVE HUNTER

ALIENS/ILLEGAL: Provides with respect to the illegal employment of aliens unauthorized to work in the United States

1 AN ACT

2 To amend and reenact R.S. 23:993 and 995(D), relative to illegal aliens; to increase the  
3 criminal and civil penalties assessed for employers that hire illegal aliens; to provide  
4 for the suspension of licenses to do business; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:993 and 995(D) are hereby amended and reenacted to read as  
7 follows:

8 §993. Penalties

9 A. The penalties for any person who violates R.S. 23:992 ~~shall be~~ are as  
10 follows:

11 (1) A first violation shall be punishable by a fine of not more than ~~five~~  
12 ~~hundred dollars, regardless of the number of aliens~~ twenty-five thousand dollars for  
13 each alien employed, hired, recruited, or referred in violation of R.S. 23:992 and a  
14 suspension of the employer's license to do business in the state for a period of one  
15 year.

16 (2) A second violation shall be punishable by a fine of not more than ~~three~~  
17 ~~hundred fifty dollars~~ fifty thousand dollars for each alien employed, hired, recruited,  
18 or referred in violation of R.S. 23:992 and a suspension of the employer's license to  
19 do business in the state for a period of five years.

1 (3) A third or subsequent violation shall be punishable by a fine of not less  
2 than ~~five hundred dollars nor more than two thousand dollars~~ seventy-five thousand  
3 dollars for each alien employed, hired, recruited, or referred in violation of R.S.  
4 23:992, and a permanent revocation of the employer's license to do business in the  
5 state.

6 B. The business license of an employer who has been found to have been in  
7 violation of this Chapter shall be suspended or revoked by the licensing authority  
8 when the prosecutor sends a judgment that indicates the ruling of the court to the  
9 licensing authority ordering the suspension or revocation.

10 \* \* \*

11 §995. Civil penalties

12 \* \* \*

13 D. The executive director of the Louisiana Workforce Commission shall  
14 enforce the provisions of this Section. The executive director may assess civil  
15 penalties against any person violating the provisions of this Section, or when  
16 appropriate, inform the proper governing or licensing authority to suspend or revoke  
17 a license or permit to do business, as follows:

18 (1) For a first violation the penalty shall be not more than ~~five hundred~~  
19 ~~dollars~~ twenty-five thousand dollars for each alien employed, hired, recruited, or  
20 referred in violation of this Section and a suspension of the employer's license to do  
21 business in the state for a period of one year.

22 (2) For a second violation the penalty shall be not more than ~~one thousand~~  
23 ~~dollars~~ fifty thousand dollars for each alien employed, hired, recruited, or referred  
24 in violation of this Section and a suspension of the employer's license to do business  
25 in the state for a period of five years. However, the provisions of this Section shall  
26 not apply to any ~~health care~~ healthcare facility or entity licensed by the Department  
27 of Health and Hospitals, the department shall follow the applicable licensing statutes  
28 and licensing rules for suspension of a license.

1 (3) For a third or subsequent violation, ~~the appropriate local governing~~  
 2 ~~authority or licensing agency shall immediately suspend the violator's permit or~~  
 3 ~~license to do business in the state for not less than thirty days nor more than six~~  
 4 ~~months and a fine shall be assessed that shall be not more than two thousand five~~  
 5 ~~hundred dollars~~ seventy-five thousand dollars for each alien employed, hired,  
 6 recruited, or referred in violation of this Section and a permanent revocation of the  
 7 employer's license to do business in the state. However, the provisions of this  
 8 Section shall not apply to any ~~health care~~ healthcare facility or entity licensed by the  
 9 Department of Health and Hospitals, the department shall follow the applicable  
 10 licensing statutes and licensing rules for suspension of a license.

11 \* \* \*

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 661 Original                                      2016 Regular Session                                      Hunter

**Abstract:** Increases the penalties for employers who hire aliens unlawfully present in the United States.

Present law prohibits employers from employing, hiring, recruiting, or referring, for public or private employment, an alien not authorized to reside or work in the United States.

Present law provides a procedure for the verification of work authorization status of employees.

Present law provides criminal penalties for violations.

Proposed law increases the criminal penalties set forth in present law as follows:

- (1) Upon a first offense, from a fine of not more than \$500 to a fine of not more than \$25,000 and a one year suspension of the employer's license to do business in the state.
- (2) Upon a second offense, from a fine of not more than \$350 per illegal alien employed to a fine of up to \$50,000 per illegal alien employed and a suspension of the employer's license to do business in the state for five years.
- (3) Upon a third or subsequent offense, from a fine between \$500 and \$2,000 for each illegal alien employed to a fine of \$75,000 each alien employed and a permanent revocation of the employer's license to do business in the state.

Proposed law provides that the business license of an employer who is guilty of employing illegal aliens shall be suspended or revoked by the licensing authority when the prosecutor

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

sends a judgment that indicates the ruling of the court to the licensing authority ordering the suspension or revocation.

Proposed law provides that the executive director of LWC shall assess civil fines and inform licensing authorities of the appropriate suspension or revocation, upon violation of this Chapter.

Present law provides civil penalties for violations.

Proposed law increases the civil penalties set forth in present law as follows:

- (1) Upon a first offense, from a fine of not more than \$500 to a fine of not more than \$25,000 and a one year suspension of the employer's license to do business in the state.
- (2) Upon a second offense, from a fine of not more than \$1,000 per illegal alien employed to a fine of up to \$50,000 per illegal alien employed and a suspension of the employer's license to do business in the state for five years. Present law does not apply to any health care facility or entity licensed by DHH.
- (3) Upon a third or subsequent offense, from a suspension of the violator's permit or license to do business in the state between 30 days and 6 months, and a fine of not more than \$2,500 for each illegal alien employed to a fine of \$75,000 for each alien employed and a permanent revocation of the employer's license to do business in the state. Present law does not apply to any health care facility or entity licensed by DHH.

(Amends R.S. 23:993 and 995(D))