

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

349S0367

## SENATE JUDICIARY ENGROSSED NO. **SB 156** 2/17/2011

Introduced by: Senators Tieszen, Kraus, Novstrup (Al), Rhoden, and Vehle and Representatives Kopp, Bolin, Boomgarden, Haggar, Hickey, Hubbel, Jensen, Jones, Kirkeby, Munsterman, Nelson (Stace), Novstrup (David), Russell, Solum, Steele, Stricherz, Venner, Verchio, and Wick

1 FOR AN ACT ENTITLED, An Act to prohibit the employment of unauthorized aliens, and to  
2 provide penalties therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. No person, employer, or business entity may knowingly and intentionally employ,  
5 hire for employment, or continue to employ an unauthorized alien to perform work within the  
6 state of South Dakota.

7 Section 2. For the purposes of this Act, an unauthorized alien is any person who does not  
8 have the legal right or authorization under federal law to work in the United States.

9 Section 3. It is an affirmative defense to a violation of section 1 of this Act that the person,  
10 employer, or business entity confirmed the legal work status of the applicant, hireling, or  
11 employee through the E-verify program or through completion of I-9 forms and has retained  
12 documentation substantiating that fact.

13 Section 4. No general contractor is in violation of section 1 of this Act solely because a



1 subcontractor or independent contractor violates section 1 of this Act.

2 Section 5. The first violation of section 1 of this Act is a noncriminal violation and, upon  
3 conviction, is punishable by a civil fine of not more than one thousand dollars, regardless of the  
4 number of unauthorized aliens with respect to whom the violation occurred. Any person who  
5 has been previously convicted for a violation of section 1 of this Act and who thereafter violates  
6 section 1 of this Act, is guilty of a Class 2 misdemeanor. Any such subsequent violation  
7 constitutes a separate offense with respect to each unauthorized alien.