

H.B. 477

EMPLOYMENT AND VERIFICATION REQUIREMENTS

Representative **Stephen E. Sandstrom** proposes the following amendments:

1. *Page 1, Lines 17 through 18:*

- 17 • prohibiting knowingly or intentionally employing an unauthorized alien and
18 creating ~~{a}~~ related ~~{complaint process with}~~ penalties;

2. *Page 5, Line 144 through Page 6, Line 176:*

- 144 ~~{(2)(a) The attorney general shall prescribe a complaint form for a person to allege a~~
145 ~~violation of Subsection (1). The complainant may not be required to list the complainant's~~
146 ~~Social Security number on the complaint form or to have the complaint form notarized.~~
147 ~~— (b) On receipt of a complaint on a prescribed complaint form that an employer~~
148 ~~allegedly knowingly employs an unauthorized alien or intentionally employs an unauthorized~~
149 ~~alien, the attorney general or county attorney shall investigate whether the employer has~~
150 ~~violated Subsection (1). If a complaint is received but is not submitted on a prescribed~~
151 ~~complaint form, the attorney general or county attorney may investigate whether the employer~~
152 ~~has violated Subsection (1).~~
153 ~~— (c) The attorney general or county attorney may not investigate an anonymous~~
154 ~~complaint.~~
155 ~~— (d) The attorney general or county attorney may not investigate complaints that are~~
156 ~~based solely on race, color, or national origin.~~
157 ~~— (e) A complaint that is submitted to a county attorney shall be submitted to the county~~
158 ~~attorney in the county in which the alleged unauthorized alien is or was employed by the~~
159 ~~employer. The county sheriff or any other local law enforcement agency may assist in~~
160 ~~investigating a complaint.~~
161 ~~— (f) (2) When investigating ~~{a complaint}~~, the attorney general or county attorney shall~~
162 ~~verify~~
163 ~~the work authorization of all alleged unauthorized aliens with the federal government pursuant~~
164 ~~to 8 U.S.C. Sec. 1373(c). A state, county, or local official may not attempt to independently~~
165 ~~make a final determination on whether an alien is authorized to work in the United States. An~~
166 ~~alien's immigration status or work authorization status shall be verified with the federal~~
167 ~~government pursuant to 8 U.S.C. Sec. 1373(c).~~
168 ~~{(g) A person who knowingly or recklessly files a false and frivolous complaint under~~
169 ~~this Subsection (2) is guilty of a class C misdemeanor.}~~
169 (3) If, after an investigation, the attorney general or county attorney determines that ~~{the~~

170 ~~complaint is not false and frivolous~~} a violation of Subsection (1) has occurred ;
171 (a) the attorney general or county attorney shall notify the United States Immigration
172 and Customs Enforcement of the unauthorized alien;
173 (b) the attorney general or county attorney shall notify the local law enforcement
174 agency of the unauthorized alien; and
175 (c) the attorney general shall notify the appropriate county attorney to bring an action
176 pursuant to Subsection (4) if ~~{the complaint was originally filed with}~~ the violation was originally
investigated by the attorney general.

3. Page 11, Line 336 through Page 12, Line 341:

336 (c) In response to a written request by the attorney general or county attorney stating
337 the name of an employee ~~{for whom a complaint has been received under Section 34A-12-201}~~ ,
338 the employer shall provide the attorney general or county attorney the documents indicating
339 that the employee was verified through the e-verify program or that the accuracy of the
340 employee's wage report was verified through the Social Security Number Verification Service
341 under this section.

4. Page 12, Lines 342 through 350:

342 (4) An employer that is enrolled in the voluntary employer enhanced compliance
343 program is not in violation of Subsection 34A-12-201(1) regarding an employee ~~{named in a~~
344 ~~complaint under Section 34A-12-201}~~ if the employer has completed both of the following:
345 (a) in good faith verified the employment eligibility of the employee ~~{named in the~~
346 ~~complaint}~~ through the e-verify program or in good faith verified the accuracy of the Social
347 Security number of the employee ~~{named in the complaint}~~ through the Social Security Number
348 Verification System as required by Subsections (3)(a) and (b); and
349 (b) provided the attorney general or county attorney with the documents, as required by
350 Subsection (3)(c), indicating that the employer verified the employee ~~{named in the complaint}~~ .