

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Boozman

# A Bill

SENATE BILL 722

## For An Act To Be Entitled

"AN ACT TO MAKE THE EMPLOYMENT OF UNAUTHORIZED ALIENS  
UNLAWFUL; AND FOR OTHER PURPOSES."

### Subtitle

"TO MAKE THE EMPLOYMENT OF UNAUTHORIZED  
ALIENS UNLAWFUL"

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

SECTION 1. (a) It is unlawful for a person, firm or corporation:

(1) to hire for employment in the State of Arkansas an alien  
knowing the alien is an alien without employment authorization; or

(2) to hire for employment in the State of Arkansas an individual  
without complying with the provisions of subsection (b) and (c) of this act.

(b) The person, firm or corporation must attest on a form designated by  
the Arkansas Department of Labor that the individual is not an unauthorized  
alien by examining:

(1) a document described in subparagraph (A); or

(2) a document described in subparagraph (B); and

(3) a document described in subparagraph (C).

A person, firm or corporation has complied with the requirements of this  
subsection with respect to examination of a document if the document  
reasonably appears on its face to be genuine.

(A)(i) United States passport;

(ii) certificate of United States citizenship;

(iii) certificate of naturalization;

(iv) unexpired foreign passport, if the passport has  
an appropriate, unexpired endorsement of the United States Attorney General

1 authorizing the individual's employment in the United States; or

2 (v) resident alien card or other alien registration  
3 card, if the card;

4 (I) contains a photograph of the individual or  
5 such other personal identifying information relating to the individual which  
6 by regulation the Arkansas Department of Labor finds sufficient; and

7 (II) is evidence of authorization of employment  
8 in the United States.

9 (B)(i) social security account number card (other than such  
10 a card which specifies on its face that the issuance of the card does not  
11 authorize employment in the United States);

12 (ii) certificate of birth in the United States or  
13 establishing United States nationality at birth, which by regulation the  
14 Arkansas Department of Labor finds sufficient; or

15 (iii) other documentation evidencing authorization of  
16 employment in the United States which by regulation the Arkansas Department  
17 of Labor finds sufficient.

18 (C) a valid Arkansas driver's license or similar document  
19 issued by the State of Arkansas for identification purposes which by  
20 regulation the Arkansas Department of Labor finds sufficient.

21 (c) The individual being hired by the person, firm or corporation must  
22 attest on a form to be designated by the Arkansas Department of Labor that  
23 the individual is a citizen or national of the United States, an alien  
24 lawfully admitted for permanent residence, or an alien who is authorized  
25 under this act to be hired for employment.

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27 SECTION 2. (a) The Arkansas Department of Labor shall have the  
28 authority to enforce the provisions of this act and shall make, or cause to  
29 be made all necessary inspections pursuant to §11-2-116 to see that all the  
30 provisions of this act are complied with.

31 (b) All findings of violations shall be turned over to the prosecuting  
32 attorney of the district in which the violations are found.

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34 SECTION 3. (a) Any person, firm or corporation who shall neglect, fail  
35 or refuse to comply with the provisions of this act shall be guilty of an

1 unclassified misdemeanor and shall be punished by a fine of not less than one  
2 thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000) for  
3 each offense. Each day an employer neglects, fails or refuses to comply with  
4 the provisions of this act shall constitute a separate offense.

5 (b) It shall be the duty of the prosecuting attorney to prosecute  
6 violations of this act.

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8 SECTION 4. All provisions of this act of a general and permanent  
9 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
10 Code Revision Commission shall incorporate the same in the Code.

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12 SECTION 5. If any provision of this act or the application thereof to  
13 any person or circumstance is held invalid, such invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provision or application, and to this end the provisions of this  
16 act are declared to be severable.

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18 SECTION 6. All laws and parts of laws in conflict with this act are  
19 hereby repealed.

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