

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 2231

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5 By: Representative Bledsoe
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For An Act To Be Entitled

8
9 "AN ACT TO REQUIRE THE ARKANSAS EMPLOYMENT SECURITY
10 DEPARTMENT TO CHECK THE IDENTIFICATION OF ALL NEW
11 HIRES BEFORE BEING EMPLOYED IN ARKANSAS AND TO MAKE
12 THE EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL; AND
13 FOR OTHER PURPOSES. "

Subtitle

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16 "TO REQUIRE THE ARKANSAS EMPLOYMENT
17 SECURITY DEPARTMENT TO CHECK THE
18 IDENTIFICATION OF ALL NEW HIRES BEFORE
19 BEING EMPLOYED IN ARKANSAS AND TO MAKE
20 THE EMPLOYMENT OF UNAUTHORIZED ALIENS
21 UNLAWFUL. "

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

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26 SECTION 1. (a) On and after the effective date of this act, Arkansas
27 Employment Security Department shall review and verify the identification
28 documents of all newly hired and returning employees in Arkansas.

29 (b) Before any employer may employ a person, the employer must check
30 that all newly hired and returning employees in Arkansas have presented a form
31 designated by the Arkansas Employment Security Department that the individual
32 is not an unauthorized alien and has had his or her identification documents
33 verified by the Department.

34 (c) On and after the effective date of this act, prior to a person being
35 employed by an employer, Arkansas Employment Security Department shall review
36 and verify the identification documents of all prospective employees in

1 Arkansas by examining:

- 2 (1) a document described in subdivision (d)(1); or
- 3 (2) a document described in subdivision (d)(2); and
- 4 (3) a document described in subdivision (d)(3).

5 (d) Prior to being employed by an employer, a prospective employee
 6 shall report to the nearest office of the Arkansas Employment Security
 7 Department to have his or her identification documents reviewed to show the
 8 individual is a citizen or national of the United States, an alien lawfully
 9 admitted for permanent residence, or an alien who is authorized under this act
 10 to be hired for employment and verified in order to determine if the document
 11 reasonably appears on its face to be genuine. The identification documents
 12 shall be:

- 13 (1)(A) United States passport;
- 14 (B) certificate of United States citizenship;
- 15 (C) certificate of naturalization;
- 16 (D) unexpired foreign passport, if the passport has an
 17 appropriate, unexpired endorsement of the United States Attorney General
 18 authorizing the individual's employment in the United States; or
- 19 (E) resident alien card or other alien registration card, if
 20 the card;
 - 21 (i) contains a photograph of the individual or such
 22 other personal identifying information relating to the individual which by
 23 regulation the Arkansas Employment Security Department finds sufficient; and
 - 24 (ii) is evidence of authorization of employment in the
 25 United States.

26 (2)(A) social security account number card (other than such a card
 27 which specifies on its face that the issuance of the card does not authorize
 28 employment in the United States);

29 (B) certificate of birth in the United States or
 30 establishing United States nationality at birth, which by regulation the
 31 Arkansas Employment Security Department finds sufficient; or

32 (C) other documentation evidencing authorization of
 33 employment in the United States which by regulation the Arkansas Employment
 34 Security Department finds sufficient.

35 (3) a valid Arkansas driver's license or similar document issued
 36 by the State of Arkansas for identification purposes which by regulation the

1 Arkansas Employment Security Department finds sufficient.

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 3 SECTION 2. (a) It is unlawful for a person, firm or corporation:

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

6 (2) to hire for employment in the State of Arkansas an individual
 7 without complying with the provisions of Section 1 of this act.

8 (b) Any person, firm or corporation who knowingly violates the
 9 provisions of this act shall be deemed guilty of an unclassified misdemeanor
 10 and maybe punished by a fine of up to five thousand dollars (\$5,000).

11
 12 SECTION 3. (a) The Director of the Arkansas Employment Security
 13 Department and his authorized representatives shall have the power and
 14 authority to enter any place of employment or public building for the purpose
 15 of collecting facts relating to the identification and employment of workers
 16 and of making inspections for the proper enforcement of this act.

17 (b) No employer or owner shall refuse to admit the director or his
 18 authorized representatives to his place of employment or public building.

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

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 24 SECTION 5. If any provision of this act or the application thereof to
 25 any person or circumstance is held invalid, such invalidity shall not affect
 26 other provisions or applications of the act which can be given effect without
 27 the invalid provision or application, and to this end the provisions of this
 28 act are declared to be severable.

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