HOUSE DOCKET, NO. 2675 FILED ON: 1/21/2011

HOUSE . . . . . No. 2312

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel K. Webster

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An act relative to the employment of aliens restricted .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Daniel K. Webster	*6th Plymouth*
Geoff Diehl	*7th Plymouth*
Robert L. Hedlund	☐ *[District]* ☐
Randy Hunt	*5th Barnstable*
Steven L. Levy	*4th Middlesex*
Donald F. Humason, Jr.	*4th Hampden*
John F. Keenan	☐ *[District]* ☐

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HOUSE . . . . . No. 2312

By Mr. Webster of Pembroke, a petition (accompanied by bill, House, No. 2312) of Daniel K. Webster and others relative to the employment of alien persons who are not documented as being lawfully admitted to the United States. Labor and Workforce Development.

The Commonwealth of Massachusetts

An act relative to the employment of aliens restricted .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1: Chapter 149 of the General Laws is hereby amended by striking Section 19C in its entirety and inserting in its place the following:--

Section 19C. It shall be unlawful for any employer knowingly to employ any alien in the commonwealth, who is a student or visitor or, who has not been admitted to the United States for permanent residence, except those who are admitted under a work permit, or unless the employment of such alien is authorized by the attorney general of the United States. An employer shall not be deemed to have violated this section if he has made a bona fide inquiry whether a person hereafter employed or referred by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence, or admitted under a work permit, or is authorized by the attorney general of the United States to accept employment.

An inquiry into the employment status and identity of an alien shall be deemed bona fide if an employer verifies the work eligibility status of each newly hired employee through the federal electronic employment authorization verification program known as E-Verify or any successor program created pursuant to 8 U.S.C. 1324a.

a) Each employer in Massachusetts shall apply to participate in the program for the purpose of verifying the work eligibility status of each of the employer's newly hired employees by the following dates:

(1) An employer with two hundred (200) or more employees shall apply to participate in the program no later than January 1, 2012;

(2) An employer with at least fifty (50) employees but fewer than two hundred (200) employees shall apply to participate in the program no later than July 1, 2012; and (3) An

22 employer with fewer than fifty (50) employees shall apply to participate in the program no later
23 than January 1, 2013.

24 b) Any employer who violates any provision of this section shall be punished by a fine of
25 not more than ten thousand nor less than five thousand dollars. An employer convicted of a
26 second or subsequent offence shall be punished by imprisonment in state prison for not less than
27 five years.

28 c) “Employer” as used in this section shall include any person acting in the interest of an
29 employer directly or indirectly.