

# HOUSE BILL No. 6328

July 23, 2008, Introduced by Rep. LeBlanc and referred to the Committee on Oversight and Investigations.

A bill to prohibit the employment of unauthorized aliens; to provide for powers and duties of certain state officials and agencies; and to provide remedies and penalties.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the "legal  
2       employment preservation act".

3       Sec. 3. As used in this act:

4       (a) "Employer" means an individual, partnership, for-profit or  
5       nonprofit corporation, association, or other legal entity that  
6       employs 1 or more individuals. For purposes of a violation  
7       punishable by imprisonment for a violation of this act, "employer"  
8       includes an individual who owns or exerts a controlling interest in  
9       the business.

10       (b) "Unauthorized alien" means with respect to the employment

1 of an alien at a particular time, that the alien is not at that  
2 time either of the following:

3 (i) An alien lawfully admitted for permanent residence in the  
4 United States.

5 (ii) An alien authorized to be employed in the United States  
6 under federal law.

7 Sec. 5. (1) An employer shall not knowingly or recklessly do  
8 either of the following:

9 (a) Employ an individual who is an unauthorized alien.

10 (b) Encourage or induce an unauthorized alien to enter the  
11 state for the purpose of employing the individual.

12 (2) For purposes of subsection (1), an employer's employment  
13 of an unauthorized alien without having obtained a federal  
14 employment eligibility verification I-9 form for the employee is  
15 sufficient to establish knowing or reckless employment of an  
16 unauthorized alien.

17 Sec. 7. (1) An employer that violates section 5 is guilty of a  
18 misdemeanor punishable by a fine of not more than \$50,000.00 for a  
19 first violation.

20 (2) A second violation of section 5 is a felony punishable by  
21 imprisonment for not more than 5 years or a fine of not more than  
22 \$100,000.00, or both.

23 (3) A third or subsequent violation of section 5 is a felony  
24 punishable by imprisonment for not more than 5 years or a fine of  
25 not more than \$250,000.00, or both.

26 Sec. 9. A court shall consider all of the following factors in  
27 setting a fine under section 7:

1           (a) The percentage of the employer's workers that are  
2 unauthorized aliens.

3           (b) The degree of danger associated with the work the  
4 unauthorized alien was hired to perform.

5           (c) The type and extent of any mistreatment of the  
6 unauthorized alien by the employer.

7           Sec. 11. The attorney general shall prosecute violations of  
8 this act. Local law enforcement agencies may investigate and report  
9 violations of the act to the attorney general.

10          Enacting section 1. This act takes effect 90 days after the  
11 date it is enacted into law.