

STATEMENT OF PURPOSE

RS19473C1

This bill would penalize Idaho employers who hire persons who are illegally in the United States.

Immigration issues are rightfully the responsibility of the federal government. This legislation conforms to the federal Immigration Reform and Control Act of 1986 (IRCA) where the federal government imposes criminal and monetary penalties on employers who hire persons who are illegally in the United States. The IRCA carves out an area where the States can address this issue of illegal alien employment. Specifically the IRCA states at 8 USC 1324 (h) (2):

"(2) Preemption. The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens."

If enacted, this legislation will allow for Idaho employers to have their state, county or city licenses suspended for knowingly employing illegal aliens. Professional licenses are excluded from the legislation. For a first offense, a license will be suspended until the employer signs an affidavit stating that the employer will not hire an unauthorized alien in the future. If the employer signs this affidavit within three (3) days of the court ruling, no suspension of the license will take place.

For a second offense in a three (3) year period, the license will be suspended for up to ten (10) days. For a third offense in a three (3) year period, the license will be suspended for up to one year. The legislation also provides a section on the Legislative Findings declaring that some Idaho employers need the federal government to provide a workable guest worker program. The legislation makes it a misdemeanor for a person to falsely impersonate another in order to seek employment.

The legislation requires the state tax commission shall notify all Idaho employers who withhold payroll taxes of the new provisions of this legislation.

FISCAL NOTE

There is no fiscal impact to the General Fund. Any persons arrested for falsely impersonating another in order to seek employment will likely be incarcerated in a county jail as the offense is a misdemeanor. Various organizations have estimated that the net cost to state and local government for the presence of illegal aliens in Idaho is in the range of \$120 million to \$160 million a year. Implementation of this legislation can be expected to greatly reduce these costs.

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