

# HOUSE BILL No. 6330

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

A bill to provide for certain license sanctions against the holders of certain licenses; to provide certain powers and duties for certain state agencies and for the judiciary; to provide for criminal actions; to provide for penalties and sanctions against employers for actions regarding the employment of unauthorized aliens; and to provide remedies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "unauthorized alien employment prohibition 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

1 includes an individual who owns or exerts a controlling interest in  
2 the business.

3 (b) "License" means a certificate, registration,  
4 accreditation, permit, or license issued by a state regulatory  
5 agency allowing a person to engage in certain activity or use a  
6 certain title.

7 (c) "State regulatory agency" means a department, bureau, or  
8 agency of this state that has regulatory authority over the  
9 issuance of a license. State regulatory agency includes a local  
10 unit of government enforcing state law.

11 (d) "Unauthorized alien" means, with respect to the employment  
12 of an alien at a particular time, that the alien is not at that  
13 time either of the following:

14 (i) An alien lawfully admitted for permanent residence in the  
15 United States.

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

18 Sec. 5. (1) Except as otherwise provided by law, a state  
19 regulatory agency shall revoke or suspend the license of an  
20 employer that is determined by the state regulatory agency of  
21 knowingly having done, or of knowingly doing, either or both of the  
22 following:

23 (a) Employing an unauthorized alien.

24 (b) Encouraging or inducing an unauthorized alien to enter the  
25 state for purposes of employing that unauthorized alien.

26 (2) In lieu of a mandatory suspension or revocation for a  
27 first violation of subsection (1), the state regulatory agency may

1 order limitations upon the license that would require the licensee,  
2 for a period of up to 3 years, to report to the state regulatory  
3 agency any new employees and to require the licensee to provide a  
4 copy of the I-9 or other appropriate form filed on behalf of the  
5 employee.

6 (3) For a second or subsequent violation of subsection (1) and  
7 except as otherwise provided by law, the state regulatory agency  
8 shall include, in the basis for a decision on revocation or  
9 suspension, the following factors:

10 (a) The percentage of the employer's workforce determined to  
11 be unauthorized aliens.

12 (b) The degree of danger associated with the work the  
13 unauthorized aliens were hired to perform.

14 (c) The degree of mistreatment of the unauthorized alien by  
15 the employer.

16 (4) A state regulatory agency shall not issue an order of  
17 license revocation or suspension or a limitation upon the license  
18 unless it provides the license holder an opportunity for an  
19 administrative hearing under the administrative procedures act of  
20 1969, 1969 PA 306, MCL 24.201 to 24.328, or other hearing as  
21 specifically provided by law. At an administrative hearing, a state  
22 regulatory agency shall recognize the order of conviction issued by  
23 a court of competent jurisdiction and shall accept the finding and  
24 conclusions reached by that court.

25 Sec. 7. (1) An employer shall not knowingly do either or both  
26 of the following:

27 (a) Employ an unauthorized alien.

1 (b) Encourage or induce an unauthorized alien to enter the  
2 state for the purpose of employing that unauthorized alien.

3 (2) An employer that violates subsection (1) is guilty of a  
4 misdemeanor punishable by a fine of not more than \$50,000.00 for a  
5 first violation.

6 (3) A second violation of subsection (1) is a felony  
7 punishable by imprisonment for not more than 5 years or a fine of  
8 not more than \$100,000.00, or both.

9 (4) A third or subsequent violation of subsection (1) is a  
10 felony punishable by imprisonment for not more than 5 years or a  
11 fine of not more than \$250,000.00, or both.

12 (5) Upon entering a conviction under subsection (1), a court  
13 shall inquire as to whether the person convicted holds a license.  
14 If the person convicted holds a license, the court shall notify the  
15 appropriate state regulatory agency of the conviction. The  
16 notification may be by mail or facsimile transmission, electronic  
17 mail, or other electronic means.