

By: Riddle

H.B. No. 58

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of employing or contracting with an unauthorized alien.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Title 8, Penal Code, is amended to read as follows:

TITLE 8. OFFENSES AGAINST PUBLIC ADMINISTRATION AND THE ADMINISTRATION OF CERTAIN LAWS

SECTION 2. Title 8, Penal Code, is amended by adding Chapter 40 to read as follows:

CHAPTER 40. CERTAIN EMPLOYMENT OR CONTRACTS PROHIBITED UNDER FEDERAL LAW

Sec. 40.01. DEFINITION. In this chapter, "unauthorized alien" has the meaning assigned by 8 U.S.C. Section 1324a(h)(3).

Sec. 40.02. EMPLOYING OR CONTRACTING WITH UNAUTHORIZED ALIEN. (a) A person commits an offense if the person intentionally, knowingly, or recklessly employs an unauthorized alien or contracts for the performance of labor or other work with an unauthorized alien.

(b) An offense under this section is a state jail felony.

Sec. 40.03. AFFIRMATIVE DEFENSE. It is an affirmative defense to prosecution under Section 40.02 that the actor attempted to verify the unauthorized alien's immigration status or work authorization in a manner that is more likely than not to

1 produce a correct and reliable result concerning an individual's
2 immigration status or work authorization and had no knowledge of
3 the unauthorized alien's actual immigration status or work
4 authorization.

5 SECTION 3. This Act takes effect November 1, 2011.