

By: Riddle

H.B. No. 1202

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:

(1) employs an unauthorized alien;

(2) contracts for the performance of labor or other work with an unauthorized alien; or

(3) contracts or subcontracts for the performance of labor or other work with another person the actor knows will employ or contract with an unauthorized alien to perform labor or other work under the contract or subcontract.

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

2        Sec. 40.03. EXCEPTIONS. It is an exception to the  
3 application of Section 40.02 that the actor:

4            (1) employed or contracted with the unauthorized  
5 alien, or entered into a contract or subcontract described by  
6 Section 40.02(a)(3), for the purpose of obtaining labor or other  
7 work to be performed exclusively or primarily at a single-family  
8 residence in which the actor resides; or

9            (2) attempted to verify the unauthorized alien's  
10 immigration status or work authorization in a manner that is more  
11 likely than not to produce a correct and reliable result concerning  
12 an individual's immigration status or work authorization and had no  
13 knowledge of the unauthorized alien's actual immigration status or  
14 work authorization.

15        SECTION 3. This Act takes effect September 1, 2011.