1	SENATE BILL NO. 185
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the Senate Committee on Commerce and Labor
4	on)
5	(Patron Prior to SubstituteSenator Sturtevant)
6	A BILL to amend and reenact § 40.1-11.2 of the Code of Virginia, relating to employer participation in
7	the E-Verify program.
8	Be it enacted by the General Assembly of Virginia:
9	1. That § 40.1-11.2 of the Code of Virginia is amended and reenacted as follows:
10	§ 40.1-11.2. Participation in E-Verify program.
11	A. As used in this section:
12	"Employer" means any employer as defined in § 40.1-2 that employs 100 or more employees.
13	"E-Verify program" means the electronic verification of work authorization program of the federal
14	Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208), Division C, Title
15	IV, § 403(a), as amended, operated by the U.S. Department of Homeland Security, or a successor work
16	authorization program designated by the U.S. Department of Homeland Security or other federal agency
17	authorized to verify the work authorization status of newly hired employees under the federal Immigration
18	Reform and Control Act of 1986 (P.L. 99-603).
19	<u>B.</u> All agencies of the Commonwealth shall be enrolled in the E-Verify program by December 1,
20	2012; and on and after December 1, 2012, use the E-Verify program for each newly hired employee who
21	is to perform work within the Commonwealth.
22	C. Every employer shall be enrolled in the E-Verify program by January 1, 2025, and on and after
23	January 1, 2025, use the E-Verify program for each newly hired employee who is to perform work within
24	the Commonwealth and shall keep a record of the verification for the duration of the employee's
25	employment or at least three years, whichever is longer.

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- 26 D. Any employer may use the services of an E-Verify agent and E-Verify web services access to
- 27 <u>meet the requirements of subsection C.</u>
- 28 E. Notwithstanding the provisions of subsection C, to the extent an employer is subject to the
- 29 provisions of 48 C.F.R. Subpart 22.18, such an employer that is in compliance with such provisions shall

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- 30 not be required to meet the provisions of this section.
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