

SENATE BILL NO. 185

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Commerce and Labor

on _____)

(Patron Prior to Substitute--Senator Sturtevant)

A BILL to amend and reenact § 40.1-11.2 of the Code of Virginia, relating to employer participation in the E-Verify program.

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-11.2 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-11.2. Participation in E-Verify program.

A. As used in this section:

"Employer" means any employer as defined in § 40.1-2 that employs 100 or more employees.

"E-Verify program" means the electronic verification of work authorization program of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208), Division C, Title IV, § 403(a), as amended, operated by the U.S. Department of Homeland Security, or a successor work authorization program designated by the U.S. Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired employees under the federal Immigration Reform and Control Act of 1986 (P.L. 99-603).

B. All agencies of the Commonwealth shall be enrolled in the E-Verify program by December 1, 2012; and on and after December 1, 2012, use the E-Verify program for each newly hired employee who is to perform work within the Commonwealth.

C. Every employer shall be enrolled in the E-Verify program by January 1, 2025, and on and after January 1, 2025, use the E-Verify program for each newly hired employee who is to perform work within the Commonwealth and shall keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer.

