

1

HOUSE BILL NO. 536

2

INTRODUCED BY L. SCHUBERT, M. VINTON, K. LOVE, G. OVERSTREET, T. SHARP, E. BYRNE, J.

3

FULLER, C. HINKLE, N. NICOL, B. LER, J. SCHILLINGER, L. DEMING, F. NAVE, B. USHER, P. FIELDER, J.

4

HINKLE

5

6 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE HIRING, RECRUITING, REFERRING, OR  
7 EMPLOYING OF ALIENS NOT LAWFULLY AUTHORIZED TO ACCEPT EMPLOYMENT; PROVIDING FOR  
8 REVOCATION AND SUSPENSION OF LICENSING; PROVIDING A CAUSE OF ACTION; PROVIDING  
9 STATUTORY DAMAGES; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY;  
10 PROVIDING AN APPROPRIATION; AND AMENDING SECTION 39-2-305, MCA."

11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13

14 **Section 1.** Section 39-2-305, MCA, is amended to read:

15 **"39-2-305. Employment of aliens not lawfully authorized to accept employment prohibited. (1)**

16 No employer A person may knowingly not hire, recruit, refer, or employ, either for the person's self or on behalf  
of another person, an alien who is not lawfully authorized to accept employment.

18 (2) A person convicted of violating this section shall be fined no more than \$300.

19 (2) (a) A court shall issue an order suspending or revoking all licenses of a person who knowingly  
violates subsection (1) as follows:

21 (i) for a first violation, 1 year;

22 (ii) for a second violation, 3 years; and

23 (iii) for a third or subsequent violation, 20 years.

24 (b) During the period of suspension or revocation in subsections (2)(a)(i) through (2)(a)(iii), a  
license issued to the person by another state may not be recognized in Montana.

26 (3) A person who solicits, commands, encourages, or facilitates a violation of subsection (1) with  
the intention that a violation of subsection (1) occur shall be punished as provided under subsection (2).

28 (4) A person who attempts to violate subsection (1) by taking an action toward committing a

3

4           **NEW SECTION. Section 3. Appropriation.** The following money is appropriated from the general  
5           fund to the department of justice for the purpose of assisting county attorneys in enforcing 39-2-305:

8

9        **NEW SECTION.** **Section 4. Codification instruction.** [Section 2] is intended to be codified as an  
10      integral part of Title 39, chapter 2, part 3, and the provisions of Title 39, chapter 2, part 3, apply to [section 2].

11

12        **NEW SECTION. Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are  
13    severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
14    the part remains in effect in all valid applications that are severable from the invalid applications.

15

- END -