

■ Arizona

All Arizona state employers are required to use E-Verify and are prohibited from knowingly hiring undocumented workers. HB 2779 effective January 1, 2008, followed by HB 2745 which prohibits government contracts to any businesses not using E-Verify, effective since May 1, 2008.

Penalties: Temporary AZ business license suspension for 10 days (First Offense); Permanent AZ business license suspension (Second Offense).

Legislation: HB 2779 (Arizona Fair and Legal Employment Act) and HB 2745.

■ California

Lancaster, CA

Every employer in Lancaster is required to use E-Verify to confirm the employment eligibility of each newly hired employee (not including independent contractors), effective January 1, 2010.

Penalties: First violation - The city manager shall demand that the employer terminate the employment of all workers hired in violation of this ordinance. Second violation - The city manager may revoke any license that has been issued to those who hired unauthorized workers.

Legislation: Ordinance 934.

Mission Viejo, CA

The city and any requested employers with city contracts are required to use E-Verify to confirm the eligibility of any new hires, effective since July 1, 2007.

Penalties: Ineligibility to enter into a city contract(s).

Legislation: Ordinance 07-260.

■ Colorado

All Colorado state agencies are prohibited from entering into contract agreements with contractors who knowingly employ illegal aliens (HB 1343), effective since August 8, 2007. Prospective contractors are required to use E-Verify to ensure legal work status of all employees (SB 193), effective since August 6, 2008.

Penalties: Ineligibility to receive contracts for state agencies, departments and instrumentalities of the state. The Colorado Secretary of State's Office will post the names of vendors using contractors who knowingly employ illegal aliens to perform work on any public contracts for services for the State of Colorado.

Legislation: SB 193 and HB 1343.

■ Florida

Hernando County, FL

Contractors and subcontractors doing business with Hernando County are required to use E-Verify to check the employment eligibility of all new hires, effective May 11, 2010.

Penalties: Possible denial for future country projects.

Legislation: Legislative File 3516.

■ Georgia

All Georgia public employers, contractors and subcontractors with 500 or more employees are required to participate in E-Verify for all new employees, effective July 1, 2007. Public employers, contractors and subcontractors with more than 100 employees (but less than 500) must use E-Verify on or before July 1, 2008 and public employers, contractors and subcontractors with fewer than 100 employees must use E-Verify on or before July 1, 2009.

Penalties: A person who intentionally advises, encourages, hires, counsels, or procures another to commit a crime, may be charged with and convicted of commission of the crime.

Legislation: SB 529.

■ Idaho

All state agencies and contractors are required to use E-Verify if they wanted a share of the state's \$1.24 billion from the economic stimulus bill.

Penalties: Immediate cancellation of the contract, reversion of unspent public funds, and monetary penalties. After July 1, 2009, every contract by a state agency for a state project or service performed for the State of Idaho shall include appropriate civil penalties for violating this executive order.

Legislation: Executive Order 2009-10 and Executive Order 2006-40.

■ Illinois

Illinois companies are barred from enrolling in any Employment Eligibility Verification System until accuracy and timeliness issues are resolved. Illinois also enacted HB 1743, which creates privacy and antidiscrimination protections for workers if employers participating in E-Verify don't follow the program's procedures. On August 24, 2009, Illinois enacted SB1133 prohibiting the state or localities from requiring employers to use an employment eligibility verification system.

Legislation: HB 1744, HB 1743 and SB1133.

■ Indiana

Proposed legislation would require E-Verify for state and local agencies.

Proposed Legislation: SB 213.

■ Kansas

Proposed legislation would require all businesses and government agencies in Kansas to use E-Verify beginning on July 1, 2011 to check the status of new employees. Penalties would include denial of income tax deduction as a business expense for any compensation paid to an unauthorized alien.

Proposed Legislation: HB 2541.

Kentucky

Proposed legislation would require the use of E-Verify for all state contractors. The bill passed the State House on Feb. 10, 2010 and moves to the State Senate for its approval. Contractors who violate the law, if passed, would face a five year ban from government contracts. The bill also includes contractors for local school districts.

Proposed Legislation: HB 321.

Maryland

Proposed legislation would require any employer under a State procurement contract or State grant to verify through the E-verify program the employment eligibility of each employee hired under the contract.

Proposed Legislation: SB 844 and HB 721.

Michigan

Proposed legislation would require that state and local government offices, and agencies that refer employees to those offices, verify new hires through E-Verify.

Proposed Legislation: HB 4355.

Minnesota

All hiring authorities within the executive branch of state government as well as any employer seeking to enter into a state contract worth in excess of \$50,000 must participate in the E-Verify program, effective January 29, 2008. In February, 2009, the State House approved an amendment requiring the mandatory use of E-Verify for anyone receiving funds from a \$1 billion stimulus bill.

Penalties: State follow-up inspection of subcontractor certifications or documentation of participation in E-Verify including possible referral to immigration authorities.

Legislation: Executive Order 08-01.

Mississippi

All public and private employers are required to participate in E-Verify with a phase in period beginning in 2008 and full participation by 2011. All government agencies and businesses with more than 250 employees were required to comply by July 1, 2008. Companies with 100-250 employees were required to comply by July 1, 2009, companies with 30-100 employees were required to comply by July 1, 2010 and the remaining companies by July 1, 2011.

Penalties: It shall be a felony for any person to accept or perform employment for compensation knowing or in reckless disregard that the person is an unauthorized alien with respect to employment during the period which the unauthorized employment occurred. Upon conviction, a violator shall be subject to imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or both."

Legislation: SB 2988.

Missouri

All public employers are required to use E-Verify.

Penalties: A violating company's business permit and licenses shall be suspended for 14 days. Upon the first violation, the state may terminate contracts and bar the company from doing business with the state for 3 years. Upon the second violation, the state may permanently debar the company from doing business with the state.

Legislation: HB 1549.

Nebraska

All state and local governments and contractors are required to use E-Verify, effective since October 1, 2009. The bill also includes incentives for private employers to use E-Verify, however, private employers are not affected, unless they are doing contract work for the state or receiving state economic incentives.

Penalties: Loss of eligibility for state contract work and/or receiving state economic incentives.

Legislation: LB 403.

North Carolina

All state agencies, offices, and universities are required to use E-Verify. The law applies to all employees hired after January 1, 2007 and to local education agencies since March 1, 2007.

Legislation: SB 1523.

Alamance County, NC

Contractors and subcontractors doing business with Alamance County are required to use E-Verify to check the employment eligibility of all new hires, effective since February 1, 2010.

Penalties: Possible denial for future county projects.

Legislation: Addendum to County Contracts.

Oklahoma

All public employers, contractors and subcontractors are required to participate in E-Verify and withhold income tax for independent contractors who do not have valid Social Security numbers.

Penalties: Ineligibility to receive a state contract(s).

Legislation: HB 1804 (Oklahoma Taxpayer and Citizen Protection Act).

■ Pennsylvania

Proposed legislation would prohibit the use of labor by illegal immigrants on projects financed by grants or loans from the state government. Appropriate federal authorities should be contacted in the event a contractor knowingly employs illegal aliens and continues to accept a state contract.

Proposed Legislation: HB 2319.

■ Rhode Island

All executive agencies and all persons and businesses, including grantees, contractors and their subcontractors and vendors to use E-Verify.

Penalties: Ineligibility to receive a state contract(s).

Legislation: Executive Order 08-01.

■ South Carolina

All employers are required to use of E-Verify for all employers, effective since July 1, 2010.

Penalties: Possible civil penalty of up to \$1,000 per violation and the revocation of the business license.

Legislation: HB 4400.

■ Utah

All employers with more than 15 employees are required to begin using E-Verify July 1, 2011. Usage between now and the effective date is voluntary. Companies that utilize legal guest workers do not have to use E-Verify. Public employers, public contractors and subcontractors are required to use E-Verify and it is illegal to discharge a lawful employee while retaining an unauthorized alien in the same job category.

Penalties: Ineligibility to enter into a state contract(s). A private employer may be held civilly liable under state law in a cause of unlawful hiring of an unauthorized alien.

Legislation: SB 0251 and SB 81.

■ Virginia

All state agencies are required to begin using E-Verify by December 1, 2012.

Penalties: Suspension or revocation of license and additional suspension or termination of any contract(s).

Legislation: HB 737.

■ Washington

The group Respect Washington has started a signature-gathering effort to put Initiative 1056 on the November ballot. If passed, this initiative would deny driver's licenses and social services to illegal immigrants; require employers to use the federal E-Verify system to identify them; and mandate that all persons charged with a felony or DUI be checked for immigration status.

Pierce County, WA

Contractors and subcontractors doing business with Alamance County are required to use E-Verify to check the employment eligibility of all new hires, effective since February 1, 2010.

Penalties: Ineligibility for a Pierce County contract(s).

Legislation: Ordinance 2009-74s.

■ West Virginia

Proposed legislation would require all employers in West Virginia to verify legal employment status of workers by requiring employers to register with and utilize the E-verify program.

Proposed Legislation: HB 2871.