

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1314 Session of  
2005

INTRODUCED BY WRIGHT, SCHRODER, REED, CASORIO, DeLUCA,  
FAIRCHILD, GANNON, GEIST, GOODMAN, HESS, JAMES, KIRKLAND,  
METCALFE, R. MILLER, O'NEILL, PALLONE, SATHER, SHANER,  
E. Z. TAYLOR, TIGUE, WILT AND YOUNGBLOOD, APRIL 11, 2005

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 11, 2005

AN ACT

1 Prohibiting employers from hiring certain aliens; conferring  
2 powers and duties upon the Attorney General; and imposing  
3 penalties.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pennsylvania  
8 Alien Employment Control Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Alien." An individual who is not a citizen of the United  
14 States.

15 "Employer." Any individual, person, partnership,  
16 association, corporation, nonprofit corporation, the  
17 Commonwealth, any of its political subdivisions or any agency,

1 authority, board or commission created by them.

2 Section 3. Prohibition.

3 An employer shall not employ any alien who is not authorized  
4 to be employed under the provisions of relevant Federal law.

5 Section 4. Penalty.

6 An employer that knowingly violates section 3 (relating to  
7 prohibition) commits a misdemeanor punishable by a fine of not  
8 more than \$1,000. Each alien employed in violation of section 3  
9 shall constitute a separate offense.

10 Section 5. Enforcement.

11 (a) District attorney.--The district attorneys of the  
12 several counties shall have authority to investigate and  
13 institute criminal proceedings for any violation of this act.

14 (b) Attorney General.--In addition to the authority  
15 conferred upon the Attorney General by the act of October 15,  
16 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act,  
17 the Attorney General shall have the authority to investigate and  
18 to institute criminal proceedings for a violation of this act or  
19 any series of such violations involving more than one county of  
20 the Commonwealth or involving any county of the Commonwealth and  
21 another state. No person charged with a violation of this act by  
22 the Attorney General shall have standing to challenge the  
23 authority of the Attorney General to investigate or prosecute  
24 the case, and, if any such challenge is made, the challenge  
25 shall be dismissed and no relief shall be available in the  
26 courts of this Commonwealth to the person making the challenge.

27 Section 6. Limitation of actions and venue.

28 Criminal prosecutions pursuant to this act shall be commenced  
29 within five years of the date of the violation in any county  
30 where the offender has an office or place of business or where

1 work was performed by an alien in violation of this act.

2 Section 7. Applicability.

3 This act shall apply to violations occurring on or after the  
4 effective date of this act.

5 Section 8. Effective date.

6 This act shall take effect in 60 days.