

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 439 Session of 2011

INTRODUCED BY MUSTIO, METCALFE, BARRAR, CLYMER, DENLINGER,
EVERETT, GABLER, GEIST, KAUFFMAN, LONGIETTI, METZGAR,
MILLARD, MILLER, MURT, O'NEILL, PYLE, READSHAW, SWANGER,
VULAKOVICH AND WATSON, FEBRUARY 4, 2011

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 4, 2011

AN ACT

1 Prohibiting certain licensees from knowingly employing illegal
2 aliens; and imposing sanctions.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Professional
7 Licensees Illegal Employment Act.

8 Section 2. Definitions.

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

12 "Licensee." An individual, corporation, partnership, limited
13 liability company or other legal entity that holds a license
14 issued by a licensing board or licensing commission.

15 "Licensing board." A departmental or administrative board
16 under the Bureau of Professional and Occupational Affairs in the
17 Department of State.

1 "Licensing commission." A departmental or administrative
2 commission under the Bureau of Professional and Occupational
3 Affairs in the Department of State.

4 "Unauthorized alien." An alien who does not have the legal
5 right or authorization under Federal law to work in the United
6 States, as defined under section 274A of the Immigration and
7 Nationality Act (66 Stat. 163, 8 U.S.C. § 1324a(h)(3)).

8 Section 3. Prohibition.

9 No licensee shall knowingly employ or permit the employment
10 of an unauthorized alien.

11 Section 4. Sanction.

12 (a) Revocation.--If a licensing board or licensing
13 commission finds that a licensee has violated section 3, it
14 shall revoke the license of the licensee.

15 (b) Administrative agency law.--This section shall be
16 subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and
17 procedure of Commonwealth agencies) and 7 Subch. A (relating to
18 judicial review of Commonwealth agency action).

19 Section 5. Affirmative defense.

20 It shall be an affirmative defense to any proceeding for a
21 violation of this act that a licensee:

22 (1) complied with section 274A of the Immigration and
23 Nationality Act (Public Law 99-603, 8 U.S.C. § 1324a) with
24 respect to hiring, recruiting or referring an individual for
25 employment in the United States; or

26 (2) required a contractor of the licensee to certify
27 compliance with section 274A of the Immigration and
28 Nationality Act with respect to hiring, recruiting or
29 referring an individual for employment in the United States,
30 and has notified the appropriate Federal authority if the

1 licensee knew that the contractor employed an unauthorized
2 alien.
3 Section 6. Effective date.
4 This act shall take effect in 60 days.