

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda--underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

& MEETINGS

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Home → [Model Legislation](#) → Public Safety and Elections ←

No Sanctuary Cities for Illegal Immigrants Act

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Intent.} The provisions of this act are intended to work together to discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States.

Section 2. {Cooperation and assistance in enforcement of immigration laws; indemnification.}

(A) No official or agency of this state or county, city, town, or other political subdivision of this state may adopt a policy that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law.

(B) For any legitimate contact made by an official or agency of this state or county, city, town or other political subdivision of this state where reasonable suspicion exists that the person is an alien who is unlawfully present in the United States, a reasonable attempt shall be made to determine the immigration status of the person. The person's immigration status shall be verified with the federal government pursuant to 8 United States Code Section 1373 (c).

(C) If an alien who is unlawfully present in the United States is convicted of a violation of state or local law, on discharge from imprisonment or assessment of any fine that is imposed, the alien shall be immediately transferred to the custody of the United States immigration and customs enforcement or the United States customs and border protection.

(D) Notwithstanding any other law, a law enforcement agency may securely transport an alien who is unlawfully in the United States and who is in the agency's custody to a federal facility in this state or to any other point of transfer into federal custody that is outside the jurisdiction of the law enforcement agency.

(E) Except as provided in federal law, officials or agencies of this state and counties, cities, towns and other political subdivisions of this state may not be prohibited or in any way be restricted from sending, receiving or maintaining information relating to the immigration status, lawful or unlawful, of any individual or exchanging that information with any other federal, state or local governmental entity for the following official purposes:

- (1) Determining eligibility for any federal, state, local or other political subdivision of this state public benefit, service or license.

(2) Verifying any claim of residence or domicile 46 if determination of residence or domicile is required under the laws of this state or a judicial order issued pursuant to a civil or criminal proceeding in this state.

(3) Confirming the identity of any person who is detained.

(4) If the person is an alien, determining whether the person is in compliance with the federal registration laws prescribed by Title II, Chapter 7 of the Federal Immigration and Nationality Act.

(F) A person may bring an action in superior court to challenge any official or agency of this state or county, city, town or other political subdivision of this state that adopts or implements a policy that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. If there is a judicial finding that an entity has violated this section, the court shall order any of the following:

(1) That the person who brought the action recovers court costs and attorney fees.

(2) That the entity pay a civil penalty of not less than an amount equal to one thousand dollars and not more than an amount equal to five thousand dollars for each day that the policy has remained in effect after the filing of an action pursuant to this subsection.

(G) A court shall collect the penalty prescribed in subsection F of this section and remit the penalty to the Department of Public Safety, which shall establish a special subaccount for the monies in the account established for the Gang and Immigration Intelligence Team Enforcement Mission Appropriation. Monies in the special subaccount are subject to legislative appropriation for distribution for Gang and Immigration Enforcement and for county jail reimbursement costs relating to illegal immigration.

(H) A law enforcement officer is indemnified by the law enforcement officer's agency against reasonable costs and expenses, including attorney fees, incurred by the officer in connection with any action, suit, or proceeding brought pursuant to this section to which the officer may be a party by reason of the officer being or having been a member of the law enforcement agency, except in relation to matters in which the officer is adjudged to have acted in bad faith.

Section 3. {Trespassing by illegal aliens; assessment; exception; classification.}

(A) In addition to any violation of federal law, a person is guilty of trespassing if the person is both:

(1) Present on any public or private land in this state.

(2) In violation of 8 United States Code Section 1304(e) or Section 1306(a).

(B) In the enforcement of this section, the final determination of an alien's immigration status shall be determined by either:

(1) A law enforcement officer who is authorized to 92 verify or ascertain an alien's immigration status.

(2) A law enforcement officer or agency communicating with the United States Immigration and Customs Enforcement or the United States Border Protection pursuant to 8 United States Code Section 1373(c).

(C) A person who is sentenced pursuant to this section is not eligible for suspension or commutation of sentence or releases on any basis until the sentence imposed is served.

(D) In addition to any other penalty prescribed by law, the court shall order the person to pay jail costs and an additional assessment in the following amounts:

(1) At least five hundred dollars for a first violation.

(2) Twice the amount specified in paragraph 1 of this subsection if the person was previously subject to an assessment pursuant to this subsection.

(E) A court shall collect the assessments prescribed in subsection D of this section and remit the assessments to the Department of Public Safety, which shall establish a special subaccount for the monies in the account established for the Gang and Immigration Intelligence Team Enforcement Mission appropriation. Monies in the special subaccount are subject to legislative appropriation for distribution for Gang and Immigration Enforcement and for county jail reimbursement costs relating to illegal immigration.

(F) This section does not apply to a person who maintains authorization from the federal government to remain in the United States.

(G) A violation of this section is a Class 1 Misdemeanor, except that a violation of this section is:

(1) A Class 2 Felony if the person violates this section while in possession of any of the following:

(a) A dangerous drug as defined by the state.

(b) Precursor chemicals that are used in the manufacturing of methamphetamine in violation of state law.

(c) A deadly weapon or a dangerous instrument, as defined by the state.

(d) Property that is used for the purpose of committing an act of terrorism as prescribed by the state

(2) A Class 4 Felony if the person either:

(a) Is convicted of a second or subsequent violation of this section.

(b) Within sixty months before the violation, has been removed from the United States pursuant to 8 United States Code Section 1229(a) or has accepted a voluntary removal from the United States pursuant to 8 United States Code Section 1229(c).

Section 4. {Unlawful application; solicitation or employment; certificate requirement; classification; definitions.}

(A) It is unlawful for a person who is unlawfully present in the United States and who is an authorized alien to knowingly apply for work, solicit work in a public place or perform work as an employee or independent contractor in this state.

(B) A violation of this section is a Class 1 Misdemeanor

(C) For the purposes of this section:

(1) "Solicit" means verbal or nonverbal communication by a gesture or a nod that would indicate to a reasonable person that a person is willing to be employed.

(2) "Unauthorized alien" means an alien who does not have the legal right or authorization under federal law to work in the United States as described in 8 United States Code Section 1324a(h)(3).

{Unlawful transportation, moving, concealing, harboring or sheltering of unlawful aliens; vehicle impoundment; classification; fine}

(A) It is unlawful for a person to:

(1) Transport or move or attempt to transport or move an alien in this state in a means of transportation if the person knows or is in reckless disregard of the fact that the alien has come to, entered or remains in the United States in violation of law.

(2) Conceal, harbor or shield or attempt to conceal, harbor or shield an alien from detection in any place in this state, including any building or any means of transportation if the person knows or is in reckless disregard of the fact that the alien has come to, entered or remains in the United States in violation of law.

(3) Encourage or induce an alien to come to or reside in this state knowing or in reckless disregard of the fact that such coming to, entering or residing in this state is or will be in violation of the law.

(B) A means of transportation that is used in the commission of a violation of this section is subject to mandatory vehicle immobilization of impoundment pursuant to state law.

(C) A person who violates this section is guilty of a Class 1 Misdemeanor and is subject to a fine of at least one thousand dollars except that a violation of this section that involves ten or more illegal aliens is a Class 6 Felony and the person is subject to a fine of at least one thousand dollars for each alien who is involved.

Section 5. {Removal and immobilization or impoundment of vehicle.}

(A) A peace officer shall cause the removal and either immobilization or impoundment of a vehicle if the peace officer determines that a person is driving the vehicle while any of the following applies:

(1) The person's driving privilege is suspended or revoked for any reason.

(2) The person has not ever been issued a valid driver license or permit by this state and the person does not produce evidence of ever having a valid driver license or permit issued by another jurisdiction. This paragraph does not apply to the operation of an implement of husbandry.

(3) The person is subject to an ignition interlock device requirement pursuant to chapter 4 of this title and the person is operating a vehicle without a functioning certified ignition interlock device. This paragraph does not apply to a person operating an employer's vehicle or the operation of a vehicle due to a substantial emergency as defined by the state.

(4) The person is transporting, moving, concealing, harboring or shielding or attempting to transport, move, conceal, harbor or shield an alien in this state in a vehicle if the person knows or is in reckless disregard of the fact that the alien has come to, entered or remains in the United States in violation of law.

(B) A peace officer shall cause the removal and impoundment of a vehicle if the peace officer determines that a person is driving the vehicle and if all of the following apply:

(1) The person's driving privilege is canceled, suspended or revoked for any reason or the person has not ever been issued a driver license or permit by this state and the person does not produce evidence of ever having a driver license or permit issued by another jurisdiction.

(2) The person is not in compliance with the financial responsibility requirements of chapter 9, article 4 of this title.

(3) The person is driving a vehicle that is involved in an accident that results in either property damage or injury to or death of another person.

(C) Except as provided in subsection D of this section, while a peace officer has control of the vehicle the peace officer shall cause the removal and either immobilization or impoundment of the vehicle if the peace officer has probable cause to arrest the driver of the vehicle for a violation according to state law.

(D) A peace officer shall not cause the removal and either the immobilization or impoundment of a vehicle pursuant to subsection C of this section if all of the following apply:

(1) The peace officer determines that the vehicle is currently registered and that the driver or the vehicle is in compliance with the financial responsibility requirements of chapter 9, article 4 of this title.

(2) The spouse of the driver is with the driver at the time of the arrest.

(3) The peace officer has reasonable grounds to believe that the spouse of the driver:

(a) Has a valid driver license.

(b) Is not impaired by intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances.

(c) Does not have any spirituous liquor in the spouse's body if the spouse is under twenty-one years of age.

(4) The spouse notifies the peace officer that the spouse will drive the vehicle from the place of arrest to the driver's home or other place of safety.

(5) The spouse drives the vehicle as prescribed by paragraph 4 of this subsection.

(E) Except as otherwise provided in this article, a vehicle that is removed and either immobilized or impounded pursuant to subsection A, B or C of this section shall be immobilized or impounded for thirty days. An insurance company does not have a duty to pay any benefits for charges or fees for immobilization or impoundment.

(F) The owner of a vehicle that is removed and either immobilized or impounded pursuant to subsection A, B or C of this section, the spouse of the owner and each person identified on the department's record with an interest in the vehicle shall be provided with an opportunity for an immobilization or poststorage hearing pursuant to state law.

Section 6. {Knowingly employing unauthorized aliens; prohibition; false and frivolous complaints; violation; classification; license suspension and revocation; affirmative defense.}

(A) An employer shall not knowingly employ an unauthorized alien. If, in the case when an employer uses a contract, subcontract or other independent contractor agreement to obtain the labor of an alien in this state, the employer knowingly contracts with an unauthorized alien or with a person who employs or contracts with an unauthorized alien to perform the labor, the employer violates this subsection.

(B) The attorney general shall prescribe a complaint form for a person to allege a violation of subsection A of this section. The complainant shall not be required to list the complainant's social security number on the complaint form or to have the complaint form notarized. On receipt of a complaint on a prescribed complaint form that an employer allegedly knowingly employs an unauthorized alien, the attorney general or county attorney shall investigate whether the employer has violated subsection A of this section. If a complaint is received but is not submitted on a prescribed complaint form, the attorney general or county attorney may investigate whether the employer has violated subsection A of this section. This subsection shall not be construed to prohibit the filing of anonymous complaints that are not submitted on a prescribed complaint form. The attorney general or county attorney shall not investigate complaints that are based solely on race, color or national origin. A complaint that is submitted to a county attorney shall be submitted to the county attorney in the county in which the alleged unauthorized alien is or was employed by the employer. The county sheriff or any other local law enforcement agency may assist in investigating a complaint. The attorney general or the county attorney may take evidence, administer oaths or affirmations, issue subpoenas requiring attendance and testimony of witnesses, cause depositions to be taken and require by subpoena duces tecum the production of books, papers and other documents that are necessary for the enforcement of this section. Proceedings held during the course of a confidential investigation are exempt from Title 38, Chapter 3, Article 3.1. If the employer or any other person refuses to obey a subpoena or fails to answer questions as provided by this subsection, the attorney general or the county attorney may apply to the superior court in the manner provided in state law. Subpoenas under this section may be served by personal service or certified mail, return receipt requested. When investigating a complaint, the attorney general or county attorney shall verify the work authorization of the alleged unauthorized alien with the 276 federal government pursuant to 8 United States Code section 1373(c). A state, county or local official shall not attempt to independently make a final determination on whether an alien is authorized to work in the United States. An alien's immigration status or work authorization status shall be verified with the federal government pursuant to 8 United States Code section 1373(c). A person who knowingly files a false and frivolous complaint under this subsection is guilty of a class 3 misdemeanor.

(C) If, after an investigation, the attorney general or county attorney

determines that the complaint is not false and frivolous:

(1) The attorney general or county attorney shall notify the United States immigration and customs enforcement of the unauthorized alien.

(2) The attorney general or county attorney shall notify the local law enforcement agency of the unauthorized alien.

(3) The attorney general shall notify the appropriate county attorney to bring an action pursuant to subsection D of this section if the complaint was originally filed with the attorney general.

(D) An action for a violation of subsection A of this section shall be brought against the employer by the county attorney in the county where the unauthorized alien employee is or was employed by the employer. The county attorney shall not bring an action against any employer for any violation of subsection A of this section that occurs before January 1, 2008. A second violation of this section shall be based only on an unauthorized alien who is or was employed by the employer after an action has been brought for a violation of subsection A of this section or other state law.

(E) For any action in superior court under this section, the court shall expedite the action, including assigning the hearing at the earliest practicable date.

(F) On a finding of a violation of subsection A of this section:

(1) For a first violation, as described in paragraph 3 of this subsection, the court:

(a) Shall order the employer to terminate the employment of all unauthorized aliens.

(b) Shall order the employer to be subject to a three year probationary period for the business location where the unauthorized alien performed work. During the probationary period the employer shall file quarterly reports in the form provided in state law with the county attorney of each new employee who is hired by the employer at the business location where the unauthorized alien performed work.

(c) Shall order the employer to file a signed sworn affidavit with the county attorney within three business days after the order is issued. The affidavit shall state that the employer has terminated the employment of all unauthorized aliens in this state and that the employer will not intentionally or knowingly employ an unauthorized alien in this state. The court shall order the appropriate agencies to suspend all licenses subject to this subdivision that are held by the employer if the employer fails to file a signed sworn affidavit with the county attorney within 322 three business days after the order is issued. All licenses that are suspended under this subdivision shall remain suspended until the employer files a signed sworn affidavit with the county attorney. Notwithstanding any other law, on filing of the affidavit the suspended licenses shall be reinstated immediately by the appropriate agencies. For the purposes of this subdivision, the licenses that are subject to suspension under this subdivision are all licenses that are held by the employer specific to the business location where the unauthorized alien performed work. If the employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the licenses that are subject to suspension under this subdivision are all licenses that are held by the employer at the employer's primary place of business. On receipt of the court's order and notwithstanding any other law, the

appropriate agencies shall suspend the licenses according to the court's order. The court shall send a copy of the court's order to the attorney general and the attorney general shall maintain the copy pursuant to subsection G of this section.

(d) May order the appropriate agencies to suspend all licenses described in subdivision (c) of this paragraph that are held by the employer for not to exceed ten business days. The court shall base its decision to suspend under this subdivision on any evidence or information submitted to it during the action for a violation of this subsection and shall consider the following factors, if relevant:

(i) The number of unauthorized aliens employed by the employer.

(ii) Any prior misconduct by the employer.

(iii) The degree of harm resulting from the violation.

(iv) Whether the employer made good faith efforts to comply with any applicable requirements.

(v) The duration of the violation.

(vi) The role of the directors, officers or principals of the employer in the violation.

(vii) Any other factors the court deems appropriate.

(2) For a second violation, as described in paragraph 3 of this subsection, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer specific to the business location where the unauthorized alien performed work. If the employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer at the employer's primary place of business. On receipt of the order and notwithstanding any other law, the appropriate agencies shall immediately revoke the licenses.

(3) The violation shall be considered:

(a) A first violation by an employer at a business location 366 if the violation did not occur during a probationary period ordered by the court under this subsection or other state law, for that employer's business location.

(b) A second violation by an employer at a business location if the violation occurred during a probationary period ordered by the court under this subsection or other state law, for that employer's business location.

(G) The attorney general shall maintain copies of court orders that are received pursuant to subsection F of this section and shall maintain a database of the employers and business locations that have a first violation of subsection A of this section and make the court orders available on the attorney general's website.

(H) On determining whether an employee is an unauthorized alien, the court shall consider only the federal government's determination pursuant to 8

United States Code section 1373(c). The federal government's determination creates a rebuttable presumption of the employee's lawful status. The court may take judicial notice of the federal government's determination and may request the federal government to provide automated or testimonial verification pursuant to 8 United States Code section 1373(c).

(I) For the purposes of this section, proof of verifying the employment authorization of an employee through the e-verify program creates a rebuttable presumption that an employer did not knowingly employ an unauthorized alien.

(J) For the purposes of this section, an employer that establishes that it has complied in good faith with the requirements of 8 United States Code section 1324a(b) establishes an affirmative defense that the employer did not knowingly employ an unauthorized alien. An employer is considered to have complied with the requirements of 8 United States Code section 1324a(b), notwithstanding an isolated, sporadic or accidental technical or procedural failure to meet the requirements, if there is a good faith attempt to comply with the requirements.

(K) An employer is not entrapped under this section if the employer was predisposed to violate subsection A of this section and law enforcement officers or their agents merely provided the employer with an opportunity to violate subsection A of this section. It is not entrapment for law enforcement officers or their agents merely to use a ruse or to conceal their identity.

Section 7. {Intentionally employing unauthorized aliens; prohibition; false and frivolous complaints; violation; classification; license suspension and revocation; affirmative defense.}

(A) An employer shall not intentionally employ an unauthorized alien. If, in the case when an employer uses a contract, subcontract or other independent contractor agreement to obtain the labor of an alien in this state, the employer intentionally contracts with an unauthorized alien or with a person who employs or contracts with an unauthorized alien to perform the labor, the employer violates this subsection.

(B) The attorney general shall prescribe a complaint form for a person to allege a violation of subsection A of this section. The complainant shall not be required to list the complainant's social security number on the complaint form or to have the complaint form notarized. On receipt of a complaint on a prescribed complaint form that an employer allegedly intentionally employs an unauthorized alien, the attorney general or county attorney shall investigate whether the employer has violated subsection A of this section. If a complaint is received but is not submitted on a prescribed complaint form, the attorney general or county attorney may investigate whether the employer has violated subsection A of this section. This subsection shall not be construed to prohibit the filing of anonymous complaints that are not submitted on a prescribed complaint form. The attorney general or county attorney shall not investigate complaints that are based solely on race, color or national origin. A complaint that is submitted to a county attorney shall be submitted to the county attorney in the county in which the alleged unauthorized alien is or was employed by the employer. The county sheriff or any other local law enforcement agency may assist in investigating a complaint. The attorney general or the county attorney may take evidence, administer oaths or affirmations, issue subpoenas requiring attendance and testimony of witnesses, cause depositions to be taken and require by subpoena duces tecum the production of books, papers and other documents that are necessary for the enforcement of this section. If the employer or any other person refuses to obey a subpoena or fails to answer questions as provided by this subsection, the attorney general or the county attorney may apply to the superior court in the manner provided by state law. Subpoenas under this section may be served by personal service or certified mail, return receipt requested. When investigating a complaint, the attorney general or county attorney shall verify the work authorization of the alleged unauthorized alien with the federal government pursuant to 8 United States Code section 1373(c). A state, county or local official shall not attempt to independently make a final determination on whether an alien is authorized to work in the United States. An alien's immigration status or work authorization status shall be verified with the federal government pursuant to 8 United States Code section 1373(c). A person who knowingly files a false and frivolous complaint under this subsection is guilty of a class 3 misdemeanor.

(C) If, after an investigation, the attorney general or county attorney determines that the complaint is not false and frivolous:

(1) The attorney general or county attorney shall notify the United States immigration and customs enforcement of the unauthorized alien.

(2) The attorney general or county attorney shall notify the local law enforcement agency of the unauthorized alien.

(3) The attorney general shall notify the appropriate county attorney to bring an action pursuant to subsection D of this section if the complaint was originally filed with the attorney general.

(D) An action for a violation of subsection A of this section shall be brought against the employer by the county attorney in the county where the unauthorized alien employee is or was employed by the employer. The county attorney shall not bring an action against any employer for any violation of subsection A of this section that 458 occurs before January 1, 2008. A second violation of this section shall be based only on an unauthorized alien who is or was employed by the employer after an action has been brought for a violation of subsection A of this section or other state law.

(E) For any action in superior court under this section, the court shall expedite the action, including assigning the hearing at the earliest practicable date.

(F) On a finding of a violation of subsection A of this section:

(1) For a first violation, as described in paragraph 3 of this subsection, the court shall:

(a) Order the employer to terminate the employment of all unauthorized aliens.

(b) Order the employer to be subject to a five year probationary period for the business location where the unauthorized alien performed work. During the probationary period the employer shall file quarterly reports in the form provided in state law with the county attorney of each new employee who is hired by the employer at the business location where the unauthorized alien performed work.

(c) Order the appropriate agencies to suspend all licenses described in subdivision (d) of this paragraph that are held by the employer for a minimum of ten days. The court shall base its decision on the length of the suspension under this subdivision on any evidence or information submitted to it during the action for a violation of this subsection and shall consider the following factors, if relevant:

(i) The number of unauthorized aliens employed by the employer.

(ii) Any prior misconduct by the employer.

(iii) The degree of harm resulting from the violation.

(iv) Whether the employer made good faith efforts to comply with any applicable requirements.

(v) The duration of the violation.

(vi) The role of the directors, officers or principals of the employer in the violation.

(vii) Any other factors the court deems appropriate.

(d) Order the employer to file a signed sworn affidavit with the county attorney. The affidavit shall state that the employer has terminated the employment of all unauthorized aliens in this state and that the employer will not intentionally or knowingly employ an unauthorized alien in this state. The court shall order the appropriate agencies to suspend all licenses subject to this subdivision that are held by the employer if the employer fails to file a signed sworn affidavit with the county attorney within three business days after the order is issued. All licenses that are suspended under this subdivision for failing to file a signed sworn affidavit shall remain suspended until the employer files a signed sworn affidavit with the county attorney. For the purposes of this subdivision, the licenses that are subject to suspension under this subdivision are all licenses that are held by the employer specific to the business 504 location where the unauthorized alien performed work. If the employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the licenses that are subject to suspension under this subdivision are all licenses that are held by the employer at the employer's primary place of business. On receipt of the court's order and notwithstanding any other law, the appropriate agencies shall suspend the licenses according to the court's order. The court shall send a copy of the court's order to the attorney general and the attorney general shall maintain the copy pursuant to subsection G of this section.

(2) For a second violation, as described in paragraph 3 of this subsection, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer specific to the business location where the unauthorized alien performed work. If the employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer at the employer's primary place of business. On receipt of the order and notwithstanding any other law, the appropriate agencies shall immediately revoke the licenses.

(3) The violation shall be considered:

(a) A first violation by an employer at a business location if the violation did not occur during a probationary period ordered by the court under this subsection or other state law, for that employer's business location.

(b) A second violation by an employer at a business location if the violation occurred during a probationary period ordered by the court under this subsection or other state law, for that employer's business location.

(G) The attorney general shall maintain copies of court orders that are received pursuant to subsection F of this section and shall maintain a database of the employers and business locations that have a first violation of subsection A of this section and make the court orders available on the attorney general's website.

(H) On determining whether an employee is an unauthorized alien, the court

shall consider only the federal government's determination pursuant to 8 United States Code section 1373(c). The federal government's determination creates a rebuttable presumption of the employee's lawful status. The court may take judicial notice of the federal government's determination and may request the federal government to provide automated or testimonial verification pursuant to 8 United States Code section 1373(c).

(I) For the purposes of this section, proof of verifying the employment authorization of an employee through the e-verify program creates a rebuttable presumption that an employer did not intentionally employ an unauthorized alien.

(J) For the purposes of this section, an employer that establishes 549 that it has complied in good faith with the requirements of 8 United States Code section 1324a(b) establishes an affirmative defense that the employer did not intentionally employ an unauthorized alien. An employer is considered to have complied with the requirements of 8 United States Code section 1324a(b), notwithstanding an isolated, sporadic or accidental technical or procedural failure to meet the requirements, if there is a good faith attempt to comply with the requirements.

(K) An employer is not entrapped under this section if the employer was predisposed to violate subsection A of this section and law enforcement officers or their agents merely provided the employer with an opportunity to violate subsection A of this section. It is not entrapment for law enforcement officers or their agents merely to use a ruse or to conceal their identity.

Section 8. {Verification of employment eligibility; e-verify program; economic development incentives; list of registered employers; violation.}

(A) After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the e-verify program AND SHALL KEEP A RECORD OF THE VERIFICATION.

(B) In addition to any other requirement for an employer to receive an economic development incentive from a government entity, the employer shall register with and participate in the e-verify program. Before receiving the economic development incentive, the employer shall provide proof to the government entity that the employer is registered with and is participating in the e-verify program. If the government entity determines that the employer is not complying with this subsection, the government entity shall notify the employer by certified mail of the government entity's determination of noncompliance and the employer's right to appeal the determination. On a final determination of noncompliance, the employer shall repay all monies received as an economic development incentive to the government entity within thirty days of the final determination. For the purposes of this subsection:

(1) "Economic development incentive" means any grant, loan or performance based incentive from any government entity that is awarded after September 30, 2008.

(2) "Government entity" means this state and any political subdivision of this state that receives and uses tax revenues.

(C) Every three months the attorney general shall request from the United States Department of Homeland Security a list of employers from this state that are registered with the e-verify program. On receipt of the list of employers, the attorney general shall make the list available on the attorney general's website.

Section 9. {Severability, implementation and construction.}

(A) If a provision of this act or its application to any person or 594 circumstance is held invalid, the invalidity does not affect other provisions

or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

(B) The terms of this act regarding immigration shall be construed to have the meanings given to them under federal immigration law.

(C) This act shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons and respecting the privileges and immunities of United States citizens.

About Us and ALEC EXPOSED. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECexposed.org. For more information contact: editor@prwatch.org or 608-260-9713.

Center for Media and Democracy's quick summary:

This Model Act closely resembles the infamous Arizona SB1070 law in its effort to mandate local enforcement of federal immigration law, allow private citizens to sue if they feel their town, city, county or state government is not "fully" enforcing immigration law (and requiring that taxpayer dollars be used to pay fines of up to \$5000 + attorney's fees), making it a crime to have an illegal immigrant in one's vehicle, making presence on state soil without federal immigration status a criminal offense, and requiring that employers use the E-Verify system (and further criminalizing the employment of illegal immigrants). Among the Act's many problems, it prohibits local governments from deciding how best to allocate limited law enforcement resources to confront the most pressing public safety threats and interferes with the law enforcement-community relationship. The citizen lawsuit provision further interferes with that law enforcement prioritization by allowing private citizens to sue local government if they feel that not enough resources are allocated towards immigration enforcement. It is not difficult to imagine that a person might erroneously believe immigration laws are not being enforced because their neighbors are brown and speak Spanish with one another and bring a lawsuit, failing to recognize that their neighbors are also U.S. citizens. Section 3 creates a new category of crime by making presence on state land a "trespass" if the person does not have proper federal immigration papers, and bars any judicial discretion in sentencing; it also makes it a felony to be convicted under this new "trespass" law more than once.