
By: **Delegates Moe, Cluster, Conroy, Frush, Haddaway, Impallaria,
Jameson, Kirk, Krebs, Krysiak, Love, McDonough, Miller, Parrott,
Trueschler, Vaughn, Walkup, and Wood**

Introduced and read first time: February 2, 2006

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment - Licensing - Penalties for Employment of**
3 **Undocumented Aliens**

4 FOR the purpose of requiring certain units of State government to suspend or revoke
5 the business license, certification, permit, registration, or charter of certain
6 employers who are sanctioned by a federal agency for knowingly employing an
7 undocumented alien under certain circumstances; requiring the Attorney
8 General to enforce certain provisions; authorizing certain licensing authorities
9 to adopt regulations; defining certain terms; and generally relating to the
10 employment of undocumented aliens.

11 BY repealing and reenacting, without amendments,
12 Article - Labor and Employment
13 Section 1-101 and 3-101(c)
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2005 Supplement)

16 BY adding to
17 Article - Labor and Employment
18 Section 1-203
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2005 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Labor and Employment**

24 1-101.

25 (a) In this article the following words have the meanings indicated.

1 (b) "County" means a county of the State and, unless expressly provided
2 otherwise, Baltimore City.

3 (c) "Governmental unit" means:

4 (1) the State;

5 (2) a county, municipal corporation, or other political subdivision of the
6 State; or

7 (3) a unit of the State government or of a political subdivision.

8 (d) "Person" means an individual, receiver, trustee, guardian, personal
9 representative, fiduciary, or representative of any kind and any partnership, firm,
10 association, corporation, or other entity.

11 (e) "State" means:

12 (1) a state, possession, or commonwealth of the United States;

13 (2) except as provided in § 8-101(v) of this article, a territory of the
14 United States; or

15 (3) the District of Columbia.

16 1-203.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (2) "EMPLOY" HAS THE MEANING STATED IN § 3-101 OF THIS ARTICLE.

20 (3) "SANCTION" MEANS A FINE, CIVIL PENALTY, OR IMPRISONMENT.

21 (4) "UNDOCUMENTED ALIEN" MEANS ANY PERSON WHO IS NOT A
22 CITIZEN OR NATIONAL OF THE UNITED STATES AND WHO IS UNLAWFULLY PRESENT
23 OR RESIDING IN THE UNITED STATES.

24 (B) THE ATTORNEY GENERAL SHALL ENFORCE THE PROVISIONS OF THIS
25 SECTION.

26 (C) A PERSON WHO HAS A LICENSE, CERTIFICATION, PERMIT, REGISTRATION,
27 OR CHARTER THAT IS ISSUED BY A UNIT OF STATE GOVERNMENT UNDER THIS
28 ARTICLE AND WHO HAS BEEN SANCTIONED BY A FEDERAL AGENCY IN ACCORDANCE
29 WITH THE IMMIGRATION REFORM AND CONTROL ACT OF 1986 OR OTHER RELATED
30 FEDERAL STATUTES OR REGULATIONS FOR HIRING OR EMPLOYING AN
31 UNDOCUMENTED ALIEN SHALL BE SUBJECT TO THE FOLLOWING PENALTIES:

32 (1) FOR A FIRST VIOLATION, A PERSON'S LICENSE, CERTIFICATION,
33 PERMIT, REGISTRATION, OR CHARTER THAT IS ISSUED BY A UNIT OF STATE
34 GOVERNMENT SHALL BE SUSPENDED FOR A PERIOD OF 6 MONTHS; AND

1 (2) FOR A SUBSEQUENT VIOLATION, A PERSON'S LICENSE,
2 CERTIFICATION, PERMIT, REGISTRATION, OR CHARTER SHALL BE REVOKED.

3 (D) EACH LICENSING AUTHORITY MAY ADOPT REGULATIONS TO CARRY OUT
4 THIS SECTION.

5 3-101.

6 (c) (1) "Employ" means to engage an individual to work.

7 (2) "Employ" includes:

8 (i) allowing an individual to work; and

9 (ii) instructing an individual to be present at a work site.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2006.