

HOUSE BILL NO. 185
INTRODUCED BY M. JOPEK

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IN ADDITION TO SEEKING TO ENJOIN AN EMPLOYER FROM EMPLOYING UNAUTHORIZED ALIENS, THE DEPARTMENT OF LABOR AND INDUSTRY OR THE ATTORNEY GENERAL MAY SEEK TEMPORARY OR PERMANENT INJUNCTIONS PROHIBITING THE EMPLOYER FROM TRANSACTING BUSINESS IN THIS STATE; PROVIDING THAT IF A COURT ORDERS AN INJUNCTION THE COURT MAY ALSO SUSPEND OR REVOKE THE EMPLOYER'S LICENSE THAT AUTHORIZES THE EMPLOYER TO DO BUSINESS IN THIS STATE; AND AMENDING SECTION 39-2-305, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-2-305, MCA, is amended to read:

"39-2-305. Employment of aliens not lawfully authorized to accept employment prohibited. (1) ~~No~~ An employer may not knowingly employ an alien who is not lawfully authorized to accept employment.

(2) ~~A person convicted of violating this section shall~~ An employer who has violated the provisions of subsection (1) may be fined no more than by the department of labor and industry up to \$300 for each violation.

(3) ~~The department of labor and industry, the attorney general, or a person harmed by a violation of this section~~ subsection (1) may sue bring an action to enjoin an employer from violating this section employing unauthorized aliens and to gain other appropriate relief.

(4) (a) In addition to the remedies provided for in subsection (3), the department of labor and industry or the attorney general may bring an action to obtain a temporary or permanent injunction prohibiting an employer who has violated the provisions of subsection (1) three times or more from transacting any business in this state.

(b) If a court issues a temporary or permanent injunction pursuant to the provisions of subsection (4)(a), the court may suspend or revoke the license of the employer that authorizes the employer to conduct business in this state."

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