



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: APPROP DPA 10-7-0-0 | 3<sup>rd</sup> Read 31-28-0-0-1

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## **HCR2060: lawful presence; e-verify program; penalties**

**Sponsor: Representative Toma, LD 27**

**House Engrossed**

### **Overview**

Submits a proposition to the voters relating to employment and the use of the E-Verify program.

### **History**

Each employer must use the E-Verify program after hiring an employee to verify the employment eligibility of the employee and must keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer. An *employer* is defined as any individual or type of organization that transacts business in Arizona. Employer includes this state, any political subdivision and self-employed individuals. In the case of an independent contractor, employer means the independent contractor and does not include the person or organization that uses the contract labor ([A.R.S. § 23-211](#)).

### **Provisions**

1. Requires municipalities, counties, state agencies and licensing agencies, on or after January 1, 2026, to verify that an adult recipient is lawfully present in the United States under federal law by using the E-Verify program before enrollment in a public welfare program unless state law declares a person without lawful immigration status is eligible for the financial aid or benefit.
2. Requires a record of the verification to be kept for at least three years.
3. Directs a municipality, county and state agency, by January 1, 2029, to use the E-Verify program to confirm each non-United States citizen who receives financial aid or benefit through a public welfare program is lawfully present in the United States under federal law.
4. Instructs the municipality, county and state agency to do the following if verification of the lawful presence of the recipient cannot be made:
  - a) promptly remove the recipient from the public welfare program; and
  - b) discontinue the provision of financial aid or benefit to the recipient unless state law declares a person without lawful immigration status is eligible.
5. Allows a municipality and county to administer federal monies to an eligible recipient offered pursuant to a federal program.
6. Declares that a person commits obstruction of the legal duty to use E-Verify when the person, acting alone or in conjunction with another person, commits an offense with the intent to obstruct a person's duty to use the E-Verify program.

7. Stipulates that an employer commits obstruction of the legal duty to use E-Verify if the employer knowingly refuses to verify the employment eligibility of a person through the program as statutorily required when the employer knows that the person is not lawfully present in the United States under federal law.
8. Prescribes a violation of the obstruction of the legal duty to use E-Verify as a class 6 felony.
9. Specifies that through December 31, 2025 employers must use the E-Verify program for employees.
10. Requires every employer, on or after January 1, 2026, to use the E-Verify program to confirm the lawful presence of an individual when the employer initially enters into a contract with the individual for labor or services valued at \$600 or more.
11. Specifies that this Act does not require an employer to use the E-Verify program for:
  - a) the same individual more than once;
  - b) an individual that has a subcontract for work through another employer or independent contractor;
  - c) any individual or entity that holds a valid license issued by an agency as defined in statute; or
  - d) any individual that holds a valid driver license issued by the Arizona Department of Transportation.
12. Stipulates that, on or after January 1, 2026:
  - a) the Attorney General or county attorney must investigate, upon receipt of a complaint, whether an employer violated E-Verify program requirements;
  - b) a county sheriff or other local law enforcement may assist in investigation of a complaint;
  - c) a person who knowingly files a false and frivolous complaint is guilty of a class 3 misdemeanor;
  - d) the Attorney General or county attorney may file an action in superior court to enforce the E-Verify program requirements after an investigation to find an employer has knowingly employed an unauthorized alien;
  - e) an employer who is found in violation is liable for a civil penalty that is supplementary and no more than \$10,000 for each employed unauthorized alien and outlines how the civil penalties must be paid;
  - f) it is an affirmative defense in an action that the employer complied in good faith with federal code; and
  - g) an employer is considered to have complied with the federal code requirements if the employer made a good faith attempt to comply, notwithstanding an isolated, sporadic or accidental technical or procedural failure to meet the requirements.
13. Instructs the Attorney General or county attorney, when investigating a complaint to verify the work authorization of the alleged unauthorized alien with the federal government pursuant to federal code.
14. Prohibits a state, county or local official from attempting to independently make a final determination on whether an alien is authorized to work in the United States.
15. Specifies that an alien's immigration status or work authorization must be verified with the federal government pursuant to federal code.

16. Specifies that a licensing state agency must use the E-Verify program for an applicant unless the applicant has provided the agency with employment authorization documents issued by the federal government.
17. Declares that regulation of eligibility for public welfare programs is a matter of statewide concern due to the economic and fiscal impact of illegal immigration on Arizona.
18. Defines:
  - a) *agency*;
  - b) *employer*;
  - c) *license*; and
  - d) *public welfare program*.
19. Entitles this Act the *Protecting Arizona Against Illegal Immigration Act*.
20. Directs the Secretary of State to submit this proposition to the voters at the next general election.
21. Makes technical and conforming changes.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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