

SENATE BILL NO. 753 (Substitute of Senate Bill No. 650 by Senator Cravins)

BY SENATOR CRAVINS

AN ACT

To enact R.S. 23:996, relative to employment of certain aliens; to prohibit the hiring of an alien who is not entitled to lawfully reside or work in the United States; to require the filing of an affidavit with a licensing agency; to provide with respect to an agency, department, board or commission of state or a parish agency to notify the attorney general or local district attorney when an employer who operates a business in the state knowingly employs an alien who is not lawfully entitled to reside or work in the United States; to provide for the attorney general or local district attorney to issue a cease and desist order; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:996 is hereby enacted to read as follows:

**§996. Cease and desist order; injunctive relief**

**A. An agency, department, board or commission of the state or any political subdivision may notify the attorney general or the district attorney that the agency has determined, after an investigation initiated by the agency or by a private party's written complaint to the agency, that an employer who operates a Louisiana business or enterprise is knowingly employing an undocumented alien in violation of this Chapter.**

**B. The attorney general or district attorney in the parish in which the employer is domiciled or in the parish in which the violation occurred is empowered to issue an order to the employer engaged in the activity constituting the violation of the provision of this Chapter directing such**

1        employer to cease and desist from such activity and to discharge from  
2        employment, for cause, the undocumented workers. Such order shall be issued  
3        in the name of the state of Louisiana under the official seal of the attorney  
4        general or the official seal of district attorney and shall be served where the  
5        employer is domiciled in the state of Louisiana or the employer's registered  
6        agent in the state of Louisiana.

7                C. If the employer to whom the attorney general or district attorney  
8        directs a cease and desist order does not cease and desist the proscribed activity  
9        within ten days from service of such cease and desist order by certified mail, the  
10       attorney general or local district attorney may cause to issue a writ of injunction  
11       enjoining such employer from engaging in any activity proscribed by this  
12       Chapter. Such proceeding shall be brought in the district court having civil  
13       jurisdiction in any parish in which such employer has as its principal place of  
14       business or the parish where the violation has occurred. If the employer in  
15       violation of this Chapter is a nonresident entity, such proceeding may be  
16       brought in the Nineteenth Judicial District Court for the parish of East Baton  
17       Rouge. All other provisions of law relative to injunctive relief apply.  
18       Exhaustion of administrative remedies is not a prerequisite to judicial review.

19               D. Any employer who is found by the court to have violated a cease and  
20       desist order of the attorney general or district attorney after it has become final  
21       and while such order is in effect, shall forfeit and pay to the state of Louisiana  
22       a sum of up to ten thousand dollars, unless the employer shows good cause to  
23       the satisfaction of the issuer that the determination was issued in error.

24               E. Once an employer is found by the court to have violated a cease and  
25       desist order of the attorney general or district attorney, the attorney general or  
26       district attorney may file a complaint with the appropriate licensing board or  
27       boards to have any employer's business license suspended or revoked.

28               F. The provisions of this Section shall not apply to employers with ten or  
29       fewer employees.

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1           Section 2. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_