

H. B. 3122

(By Delegates Walker, Caputo, Shaver, Barker,
Butcher, Ellem, Perry, Snuffer and Martin)
[Introduced February 14, 2011; referred to the
Committee on Energy, Industry and Labor, Economic
Development and Small Business then the Judiciary.]

A BILL to amend and reenact §15-2-3 of the Code of West Virginia,
1931, as amended; and to amend and reenact §21-1B-3 of said
code, all relating to allow the West Virginia State Police and
the Division of Labor to confirm the validity of an employees
identification card.

Be it enacted by the Legislature of West Virginia:

That §15-2-3 of the Code of West Virginia, 1931, as amended,
be amended and reenacted; and that §21-1B-3 of said code be amended
and reenacted, all to read as follows:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-3. State Police structure; how established.

The superintendent shall create, appoint and equip the State
Police which shall consist of the number of troops, districts and
detachments required for the proper administration of the State
Police. Each troop, district or detachment shall be composed of
the number of officers and members the superintendent determines
are necessary to meet operational needs and are required for the
efficient operation of the State Police. The superintendent shall

1 establish the general organizational structure of the State Police
2 by interpretive rule in accordance with the provisions of article
3 three, chapter twenty-nine-a of this code. The superintendent
4 shall provide adequate facilities for the training of all members
5 of the State Police and shall prescribe basic training requirements
6 for newly enlisted members. He or she shall also provide advanced
7 or in-service training from time to time for all members of the
8 State Police. The superintendent shall hold training classes for
9 other peace officers in the state without cost to those officers,
10 except actual expenses for food, lodging and school supplies. The
11 superintendent has the authority to release relevant information to
12 the Division of Labor to confirm the legitimacy of an individuals
13 identification provided in conformity with section three, article
14 one-b, chapter twenty-one of this code.

15 **CHAPTER 21. LABOR.**

16 **ARTICLE 1B. ~~VERIFYING~~ CONFIRMING LEGAL EMPLOYMENT STATUS OF**
17 **WORKERS.**

18 **§21-1B-3. Unauthorized workers; employment prohibited.**

19 (a) It is unlawful for any employer to knowingly employ, hire,
20 recruit or refer, either for him or herself or on behalf of
21 another, for private or public employment within the state, an
22 unauthorized worker who is not duly authorized to be employed by
23 law.

24 ~~(b) Employers shall be required to verify a prospective~~
25 ~~employee's legal status or authorization to work prior to employing~~
26 ~~the individual or contracting with the individual for employment~~

1 ~~services.~~

2 (b) For purposes of this article, proof of legal status or
3 authorization to work includes, but is not limited to, a valid
4 social security card, a valid immigration or nonimmigration visa,
5 including photo identification, a valid birth certificate, a valid
6 passport, a valid photo identification card issued by a government
7 agency, a valid work permit or supervision permit authorized by the
8 Division of Labor, a valid permit issued by the Department of
9 Justice or other valid document providing evidence of legal
10 residence or authorization to work in the United States.

11 (c) For purposes of enforcing the provisions of this article,
12 and notwithstanding any other provision of this code to the
13 contrary, the commissioner or his or her authorized representative
14 may access information maintained by any other state agency,
15 including, but not limited to, the Bureau of Employment Programs,
16 West Virginia State Police, and the Division of Motor Vehicles, for
17 the limited purpose of confirming the validity of a worker's legal
18 status or authorization to work. The commissioner shall promulgate
19 rules in accordance with the provisions of chapter twenty-nine-a of
20 this code to safeguard against the release of any confidential or
21 identifying information that is not necessary for the limited
22 purpose of enforcing the provisions of this article.

NOTE: The purpose of this bill is to allow the Division of Labor and West Virginia State Police to confirm the validity of an employee's legal identification.

Strike-throughs indicate language that would be stricken from

the present law, and underscoring indicates new language that would be added.