

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Introduced**

## **House Bill 3291**

By Delegates Ridenour, Martin, Mazzocchi, Steele,  
Jennings, Ward, Holstein, Kump, Butler, Maynor, and  
Hillenbrand

[Introduced March 10, 2025; referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §21-1B-5 of the Code of West Virginia, 1931, as amended, relating  
2 to prohibiting companies and organizations from knowingly hiring illegal aliens and  
3 establishing fines for violations.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1B. VERIFYING LEGAL EMPLOYMENT STATUS OF WORKERS.**

**§21-1B-5.**

**Penalties.**

1 (a) Any employer who knowingly and willfully fails to maintain records as required by  
2 section four of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined  
3 ~~\$100~~ \$200 for each offense. Failure to keep records on each employee constitutes a separate  
4 offense.

5 (b) Any employer who knowingly violates the provisions of section three of this article by  
6 employing, hiring, recruiting or referring an unauthorized worker is guilty of a misdemeanor and,  
7 upon conviction thereof, is subject to the following penalties:

8 (1) For a first offense, a fine of not less than ~~\$100~~ \$1,000 nor more than ~~\$1,000~~ \$10,000 for  
9 each violation;

10 (2) For a second offense, a fine of not less than ~~\$500~~ \$5,000 nor more than ~~\$5,000~~ \$20,000  
11 for each violation;

12 (3) For a third or subsequent offense, a fine of not less than ~~\$1,000~~ \$10,000 nor more than  
13 ~~\$10,000~~ \$30,000, ~~or and~~ confinement in jail for not less than 30 days nor more than one year, ~~or~~  
14 ~~both~~.

15 (c) Any employer who knowingly and willfully provides false records as to the legal status  
16 or authorization to work of any employee to the commissioner or his or her authorized  
17 representative is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not  
18 less than 30 days nor more than one year ~~or and~~ fined not ~~more~~ less than ~~\$2,500~~ \$1,000 nor more  
19 than \$5,000, ~~or both~~.

20 (d) Any employer who knowingly and willfully and with fraudulent intent sells, transfers or

21 otherwise disposes of substantially all of the employer's assets for the purpose of evading the  
22 record-keeping requirements of section four of this article is guilty of a misdemeanor and, upon  
23 conviction thereof, shall be confined in jail not less than 30 days ~~not~~ nor more than one year ~~or~~ and  
24 fined not more less than \$10,000, \$20,000 ~~or both~~.

NOTE: The purpose of this bill is to establish stricter penalties for any company or organization that knowingly hires an illegal alien.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.