S T A T E O F N E W Y O R K

4123

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. CLARK -- Multi-Sponsored by -- M. of A. BOYLAND, CARROZZA, PEOPLES, ROBINSON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state administrative procedure act, in relation to denial, suspension and revocation of a license by a state agency for violations of the federal immigration reform and control act of 1986

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The state administrative procedure act is amended by adding a new section 402 to read as follows:

S 402. DENIAL, SUSPENSION AND REVOCATION OF LICENSE FOR IMMIGRATION LAW VIOLATIONS. ANY AGENCY MAY DENY, SUSPEND OR REVOKE A LICENSE, FOR A PERIOD NOT TO EXCEED FIVE YEARS, ON THE GROUND THAT THE LICENSEE, WITHIN A FIVE YEAR PERIOD, VIOLATED EITHER SECTION 274A (A)(1)(A) OR SECTION 274A(A)(2), OR BOTH SUCH SECTIONS OF THE FEDERAL IMMIGRATION REFORM AND CONTROL ACT OF 1986 (8 U.S.C. SEC. 1324A (A)(1)(A) AND SECTION 1324A(A)(2), RESPECTIVELY) ON TWO OR MORE SEPARATE OCCASIONS, EACH INVOLVING ONE OR MORE EMPLOYEES, IN CONNECTION WITH THE BUSINESS, PROFESSION, OR OTHER ACTIVITY FOR WHICH THAT LICENSE IS REQUIRED. FOR PURPOSES OF THIS SECTION, A VIOLATION OF SECTION 274A (A)(1)(A) OR SECTION 274A(A)(2) OF THE FEDERAL IMMIGRATION REFORM AND CONTROL ACT OF 1986 SHALL BE DEEMED TO HAVE OCCURRED ONLY IF THERE HAS BEEN A FINAL DETERMINATION, PURSUANT TO SUCH ACT, THAT THE LICENSEE VIOLATED EITHER SUCH SECTION. IF THE LICENSEE IS AN INDIVIDUAL, THIS SECTION SHALL APPLY ONLY IF THE LICENSEE WAS DETERMINED TO HAVE BEEN INDIVIDUALLY RESPONSIBLE AND ACCOUNTABLE FOR THE VIOLATION OF SUCH ACT AND ANY INJUNCTIONS ISSUED OR PENALTIES ASSESSED WERE DIRECTED TO THE LICENSEE AS AN INDIVIDUAL, REGARDLESS OF WHETHER A BUSINESS OR PROFESSIONAL ENTITY IN WHICH THE LICENSEE HAD AN OWNERSHIP INTEREST, OR WITH WHICH THE LICENSEE HAD AN EMPLOYMENT OR OTHER RELATIONSHIP, AT THE TIME OF THE VIOLATION, WAS ENJOINED OR ASSESSED PENALTIES THEREFOR.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD06013-01-9