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New Ga. bill targets illegal immigrants and government officials who hire them

By Jeremy Redmon

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A group of Republican state lawmakers filed tough Arizona-style legislation this week that would severely punish government officials who hire illegal immigrants and penalize noncitizens who fail to carry certain identification papers.

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Vino Wong, ywong@ajc.com Deputy D. Dean processes an inmate at the Gwinnett jail, which participates in a federal program that empowers local officials to enforce federal immigration laws.

State Sen. Jack Murphy, of Cumming, Senate Majority Leader Chip Rogers, of Woodstock and several other Republican senators are sponsoring Senate Bill 40. Murphy said his bill is meant to stop illegal immigrants from sapping taxpayer-funded resources -- including public schools -- and taking jobs away from U.S. citizens.

Some provisions of the bill, however, have raised concerns about their impact on Georgia businesses to compete with those in other states.

The eight-page bill mirrors some parts of Arizona's aggressive new law as well as legislation Republican lawmakers filed in Georgia's House last week. Like Georgia's House Bill 87, Murphy's bill would require state and local law enforcement officers to investigate the immigration status of certain people they reasonably suspect of being in the country illegally. It also would authorize police to arrest them if they are in the country illegally and transport them to a federal jail.

Critics say those provisions are unconstitutional. The Obama administration sued last year to stop similar provisions in Arizona's law from taking effect, arguing they are pre-empted by federal law. A federal judge ruled in favor of the White House last year, halting those provisions as well as several others. Arizona is appealing the judge's decision.

The American Civil Liberties Union of Georgia on Thursday predicted Murphy's bill will wind up in court.

Murphy said he likes his bill's chances in court and sees indications that an appeals court will reverse much of the judge's rulings against Arizona.

"I believe that this bill will stand up to federal challenges," Murphy said, "and when the 9th Circuit Appeals Court hands down its ruling, there will be no need for anyone to challenge Georgia law."

Murphy's bill would also require certain private employers to start using a federal program called E-Verify after July 1, 2012. The program seeks to verify that newly hired employees are eligible to work in the United States.

The bill, however, exempts businesses that participate in certain federal programs that allow foreign workers to legally come to the United States and temporarily work in numerous fields, including the agricultural industry.

Some groups representing Georgia industries -- including the Georgia Farm Bureau and Georgia Poultry Federation -- said they were still digesting the wide-ranging bill and had no comment. But Michael Hively, chairman of the Vidalia Onion Business Council, said many smaller onion farms in Georgia don't have the resources to participate in the federal government's guest worker program, which he said can be expensive. And he worries that requiring E-Verify in Georgia could put onion growers here at a disadvantage against growers in other states.

"Out on a football field I don't care what players you play as long as we are all playing by the same rules. Then the best team wins," said Hively, who is the chief operation officer of Glennville-based Bland Farms LLC.

The Georgia-based Dustin Inman Society, which advocates enforcement of U.S. immigration and employment laws, called Murphy's bill "preposterous," saying it excludes too many employers from its requirements.

"The bill's author has excluded so many industries from the badly needed required statewide use of the no-cost federal E-Verify system so as to make it a parody of an employment enforcement bill," said D.A. King, president of the Dustin Inman Society.

Murphy disagreed with King's view.

“While I want to restrict the number of illegal immigrants who try to work in Georgia, I do not want to put undue stress on any businesses to do that,” he said.

Murphy’s bill would also:

- * Punish government officials who fail to comply with requirements for the use of E-Verify. Violators could face removal from office and fines up to \$10,000.

- * Penalize government contractors and subcontractors who submit false affidavits in attempts to comply with the E-Verify requirements. They could be blocked from getting public contracts for a year and face a \$1,000 fine for each day they violate the law.

- * Punish certain noncitizens who don’t carry a form of government identification called a “certificate of registration.” Violators could be charged with a misdemeanor and face a fine of up to \$100 and up to 30 days in jail.