

## HOUSE BILL No. 2818

By Committee on Commerce and Labor

2-11

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9 AN ACT concerning the employment of illegal aliens; amending K.S.A.  
10 21-4409 and K.S.A. 2003 Supp. 21-4503a and repealing the existing  
11 sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) Subject to the provisions of appropriation acts,  
15 the attorney general shall establish a toll free number to receive telephone  
16 calls concerning information on persons and business entities employing  
17 illegal aliens in violation of K.S.A. 21-4409, and amendments thereto.

18 (b) Upon receipt of such information, the attorney general shall for-  
19 ward such information to the local law enforcement agency for  
20 investigation.

21 (c) The attorney general may apply for, receive and accept moneys  
22 from any source for the purposes of establishing the hotline.

23 (d) The attorney general shall publicize, distribute and disseminate  
24 information on the availability of the hotline to employment agencies, law  
25 enforcement agencies and other interested parties.

26 (e) The attorney general is hereby authorized to adopt rules and reg-  
27 ulations concerning the implementation of this section.

28 Sec. 2. K.S.A. 21-4409 is hereby amended to read as follows: 21-  
29 4409. (a) Knowingly employing an alien illegally within the territory of  
30 the United States is the employment of such alien within the state of  
31 Kansas by an employer who knows such person to be illegally within the  
32 territory of the United States. The provisions of this section shall not apply  
33 to aliens who have entered the United States illegally and thereafter are  
34 permitted to remain within the United States, temporarily or perma-  
35 nently, pursuant to federal law.

36 (b) Knowingly employing an alien illegally within the territory of the  
37 United States is a class  $\in$  A nonperson misdemeanor. *On the second or*  
38 *subsequent conviction of a violation of this section, in addition to any*  
39 *other sentence imposed, a person shall be fined \$25,000.*

40 (c) *As used in this section, "employment" shall include subcontractors'*  
41 *employees if the employer of the subcontractor has knowledge that the*  
42 *subcontractor is employing persons or subcontracting with persons who*  
43 *are illegally within the territory of the United States.*

1       Sec. 3. K.S.A. 2003 Supp. 21-4503a is hereby amended to read as  
2 follows: 21-4503a. (a) A person who has been convicted of a felony may,  
3 in addition to the sentence authorized by law, be ordered to pay a fine  
4 which shall be fixed by the court as follows:

5       (1) For any off-grid felony crime or any felony ranked in severity level  
6 1 of the drug grid as provided in K.S.A. 21-4705 and amendments thereto,  
7 a sum not exceeding \$500,000.

8       (2) For any felony ranked in severity levels 1 through 5 of the nondrug  
9 grid as provided in K.S.A. 21-4704 and amendments thereto or in severity  
10 levels 2 or 3 of the drug grid as provided in K.S.A. 21-4705 and amend-  
11 ments thereto, a sum not exceeding \$300,000.

12       (3) For any felony ranked in severity levels 6 through 10 of the non-  
13 drug grid as provided in K.S.A. 21-4704 and amendments thereto or in  
14 severity level 4 of the drug grid as provided in K.S.A. 21-4705 and amend-  
15 ments thereto, a sum not exceeding \$100,000.

16       (b) *Except as otherwise provided in statute*, a person who has been  
17 convicted of a misdemeanor, in addition to or instead of the imprisonment  
18 authorized by law, may be sentenced to pay a fine which shall be fixed  
19 by the court as follows:

20       (1) For a class A misdemeanor, a sum not exceeding \$2,500.

21       (2) For a class B misdemeanor, a sum not exceeding \$1,000.

22       (3) For a class C misdemeanor, a sum not exceeding \$500.

23       (4) For an unclassified misdemeanor, any sum authorized by the stat-  
24 ute that defines the crime. If no penalty is provided in such law, the fine  
25 shall not exceed the fine provided herein for a class C misdemeanor.

26       (c) As an alternative to any of the above fines, the fine imposed may  
27 be fixed at any greater sum not exceeding double the pecuniary gain  
28 derived from the crime by the offender.

29       (d) A person who has been convicted of a traffic infraction may be  
30 sentenced to pay a fine which shall be fixed by the court, not exceeding  
31 \$500.

32       (e) A person who has been convicted of a cigarette or tobacco in-  
33 fraction shall be sentenced to pay a fine of \$25.

34       (f) The provisions of this section shall apply to crimes committed on  
35 or after July 1, 1993.

36       Sec. 4. K.S.A. 21-4409 and K.S.A. 2003 Supp. 21-4503a are hereby  
37 repealed.

38       Sec. 5. This act shall take effect and be in force from and after its  
39 publication in the statute book.