

2010 -- H 7811

LC00728

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- IMMIGRANT STATUS

Introduced By: Representative David A. Segal

Date Introduced: February 25, 2010

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR
2 RELATIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 54

4 STATE RIGHTS OF IMMIGRANTS

5 **28-54-1. State rights, protections and remedies available despite immigration status.**

6 -- All protections, rights and remedies available under this title, except any reinstatement remedy
7 prohibited by federal law, are available to all individuals regardless of immigration status who
8 have applied for employment, or who are or who have been employed, in this state.

9 **28-54-2. Immigration status irrelevant.** -- For purposes of enforcing any law under this
10 title, a person's immigration status is irrelevant to the issue of liability, and in proceedings or
11 discovery undertaken to enforce those state laws no inquiry shall be permitted into a person's
12 immigration status except where the inquiry is necessary in order to comply with federal
13 immigration law.

14 **28-54-3. Severability.** -- If any provision of this chapter, or of any rule or regulation
15 made under this chapter, or the application of this chapter to any person or circumstance, is held
16 invalid by a court of competent jurisdiction, the remainder of the chapter, rule, or regulation and
17 the application of that provision to other persons or circumstances shall not be affected. The
18 invalidity of any section or sections or parts of any section or sections of this chapter shall not
19 affect the validity of the remainder of the chapter.

1 SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 153

4 PROTECTION UNDER STATE LAW

5 **42-153-1. State rights, protections and remedies available despite immigration**
6 **status. -- For purposes of enforcing state labor, employment, civil rights, and employee housing**
7 **laws, all protections, rights and remedies available under state law, except any remedy prohibited**
8 **by federal law, are available to all individuals regardless of immigration status.**

9 **42-153-2. Immigration status irrelevant. – For purposes of enforcing state labor,**
10 **employment, civil rights, and employee housing laws, a person’s immigration status is irrelevant**
11 **to the issue of liability, and in proceedings or discovery undertaken to enforce those state laws no**
12 **inquiry shall be permitted into a person’s immigration status except where the inquiry is**
13 **necessary in order to comply with federal immigration law.**

14 **42-153-3. Severability. – If any provision of this chapter or any rule or regulation made**
15 **under this chapter, or the application of this chapter to any person or circumstance, is held invalid**
16 **by a court of competent jurisdiction, the remainder of the chapter, rule, or regulation and the**
17 **application of that provision to other persons or circumstances shall not be affected. The**
18 **invalidity of any section or sections or parts of any section or sections of this chapter shall not**
19 **affect the validity of the remainder of the chapter.**

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21 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO LABOR AND LABOR RELATIONS – IMMIGRANT STATUS

1 This act would prohibit inquiries into a person's immigration status concerning the
2 enforcement of state labor, employment, civil rights and employee housing laws.

3 This act would take effect upon passage.

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