

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H4/9/25

A Bill

HOUSE BILL 1974

By: Representatives Long, McAlindon, *R. Burkes*

By: Senator M. McKee

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING EMPLOYMENT; TO PROHIBIT STATE ENTITIES FROM EMPLOYING UNAUTHORIZED ALIENS; TO ESTABLISH THE E-VERIFY REQUIREMENT ACT; TO REQUIRE STATE ENTITIES TO USE E-VERIFY TO CONFIRM EMPLOYMENT ELIGIBILITY; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT STATE ENTITIES FROM EMPLOYING UNAUTHORIZED ALIENS; TO ESTABLISH THE E-VERIFY REQUIREMENT ACT; AND TO REQUIRE STATE ENTITIES TO USE E-VERIFY TO CONFIRM EMPLOYMENT ELIGIBILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) Protecting Arkansans and being good stewards of taxpayer dollars are top priorities for our state;

(2) A strong economy depends on a legal and reliable workforce, ensuring that state government jobs go to individuals who are here lawfully and contributing to our communities;

(3) Arkansas is not a sanctuary state, and Arkansas enforces our laws to protect wages, support local businesses, and ensure that taxpayer resources are used responsibly; and

(4) By upholding these principles, we are safeguarding



opportunities for hardworking Arkansans and securing a prosperous future for our state.

SECTION 2. Arkansas Code Title 21, Chapter 3, is amended to add an additional subchapter to read as follows:

Subchapter 9 - E-Verify Requirement Act.

21-3-901. Title.

This subchapter shall be known and may be cited as the "E-Verify Requirement Act".

21-3-902. Definitions.

As used in this subchapter:

(1) "Employee" means a person directed, allowed, or permitted to perform labor or services of any kind for a state employer;

(2) "Employer" means a state government department, board, bureau, political subdivision, or agency licensed under statute or rule to operate in this state;

(3) "E-Verify" means the electronic verification system operated by United States Citizenship and Immigration Services, or its successor program, as authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208; and

(4) "Unauthorized alien" means the same as defined by 8 U.S.C. § 1324a(h)(3), as it existed on January 1, 2025.

21-3-903. Requirement to verify all new employees.

(a)(1) Except as provided in subsection (b) of this section, an employer shall register and create an E-Verify employer account.

(2) After hiring an employee, an employer shall:

(A) Employ provisionally the employee until the employee's work authorization has been verified through E-Verify;

(B) Submit the employee's name and information for verification through E-Verify even if the employee's employment is terminated less than three (3) business days after becoming employed; and

(C) Keep a record of the verification for the duration of the employee's employment with the employer or for three (3) years, whichever

is longer.

(3) If the employee's work authorization is not verified by E-Verify, an employer shall not employ, continue to employ, or reemploy the employee.

(b)(1) An employer is not required to comply with subsection (a) of this section if an employee was hired by the employer prior to the effective date of this act.

(2) The employer is not required to verify or reverify the eligibility of a current employee to work pursuant to federal law.

21-3-904. Compliance with federal immigration law.

Nothing in this act shall be construed to abrogate an employer's obligation to comply with federal immigration laws, including without limitation the completion and maintenance of federal employment eligibility verification forms or documents.

21-3-905. Prohibition on employment of unauthorized aliens.

(a) An employer shall not employ an unauthorized alien.

(b) Failure to comply with the requirements under this subchapter shall be presumed a violation of this section.

21-3-906. Enforcement.

(a) For the purpose of enforcement of this subchapter, the Department of Labor and Licensing may request, and an employer shall provide, copies of any documentation relied upon by the employer for the verification of a new employee's employment eligibility.

(b) A person or an entity that makes a request under subsection (a) of this section shall rely upon the United States Government to verify an employee's employment eligibility and may not independently make a final determination as to whether an employee is an unauthorized alien.

(c) Beginning on July 1, 2026, if the department determines that an employer failed to use E-Verify system to verify the employment eligibility of employees as required under this subchapter, the department shall:

(1) Notify the employer of the department's determination of noncompliance; and

(2) Provide the employer with thirty (30) days to cure the

noncompliance.

SECTION 3. DO NOT CODIFY. Effective date.

This act shall be effective on and after January 1, 2026.

/s/Long

APPROVED: 4/21/25