

O.C.G.A. § 50-36-4

Copy Citation

50-36-4. Submission of annual immigration compliance report; creation of reporting system; contents of reports; annual review.

(a) As used in this Code section, the term:

- (1)** "Agency or political subdivision" means any department, agency, authority, commission, or governmental entity of this state or any subdivision of this state.
- (2)** "Annual reporting period" means from December 1 of the preceding year through November 30 of the year in which the report is due.
- (3)** "Contractor" shall have the same meaning as set forth in Code Section 13-10-90.
- (4)** "Department" means the Department of Audits and Accounts.
- (5)** "Physical performance of services" shall have the same meaning as set forth in Code Section 13-10-90.
- (6)** "Public employer" shall have the same meaning as set forth in Code Section 13-10-90.

(b) Each agency, sheriff's office, law enforcement agency, or political subdivision subject to any of the requirements provided in Code Sections 13-10-91, 35-1-17, 36-60-6, 36-80-23, 42-1-11.4, 42-1-11.5, 42-4-14, 42-4-16, and 50-36-1 shall submit an annual immigration compliance report to the department by December 31 that includes the information required under subsection (d) of this Code section for the annual reporting period. If an agency or political subdivision is exempt from any, but not all, of the provisions of subsection (d) of this Code section, it shall still be required to submit the annual report but shall indicate in the report which requirements from which it is exempt.

(c) The department shall create an immigration compliance reporting system and shall provide technical support for the submission of such reports. The department shall further provide annual notification of such reports with submission instructions to all agencies and political subdivisions subject to such requirements. The department shall be authorized to implement policy as is needed to carry out the requirements of this subsection.

(d) The immigration compliance report provided for in subsection (b) of this Code section shall contain the following:

- (1)** The agency or political subdivision's federal work authorization program verification user number and date of authorization;
- (2)** The legal name, address, and federal work authorization program user number of every contractor that has entered into a contract for the physical performance of services with a public employer as required under Code Section 13-10-91 during the annual reporting period;
- (3)** The date of the contract for the physical performance of services between the contractor and public employer as required under Code Section 13-10-91;
- (4)** A listing of each license or certificate issued by a county or municipal corporation to private employers that are required to utilize the federal work authorization program under the provisions of Code Section

36-60-6 during the annual reporting period, including the name of the person and business issued a license and his or her federally assigned employment eligibility verification system user number as provided in the private employer affidavit submitted at the time of application;

(5)

(A) A listing of each public benefit administered by the agency or political subdivision and a listing of each public benefit for which SAVE program authorization for verification has not been received.

(B) As used in this paragraph, the terms "public benefit" and "SAVE program" shall have the same meanings as set forth in Code Section 50-36-1;

(6) The agency or political subdivision's certificate of compliance with Code Section 36-80-23; and

(7) Where applicable, the agency, sheriff's office, law enforcement agency, or political subdivision's certificate of compliance with Code Sections 35-1-17, 42-4-11.4, 42-4-11.5, 42-4-14, and 42-4-16.

(e) The department shall annually conduct random reviews of no less than 5 percent of the immigration compliance reports submitted pursuant to this Code section and shall make the determination of compliance pursuant to this Code section. In the event that the immigration compliance report submitted by an agency or political subdivision is found to be deficient by the department, so long as a new immigration compliance report is submitted with the prior deficiencies corrected and fully complies with this Code section, such agency or political subdivision shall be deemed to have satisfied the requirements of this Code section.

(f) Any action taken by an agency or a political subdivision for the purpose of complying with the requirements of this Code section shall not subject such agency or political subdivision to any civil liability arising from such action.

History

Code 1981, § 50-36-4, enacted by Ga. L. 2013, p. 111, § 8/SB 160; Ga. L. 2016, p. 244, § 2/SB 269; Ga. L. 2024, p. 491, § 12/HB 1105, effective May 1, 2024.

▼ Annotations

Notes

Amendments.

The 2024 amendment, effective May 1, 2024, in the first sentence in subsection (b), inserted ", sheriff's office, law enforcement agency,", "35-1-17,", and "42-1-11.4, 42-1-11.5, 42-4-14, 42-4-16,"; deleted "and"

from the end of subparagraph (d)(5)(B); substituted “; and” for a period at the end of paragraph (d)(6); added paragraph (d)(7); added the first sentence in subsection (e); and deleted subsection (g), which read: “The department shall not find an agency or a political subdivision to be in violation of this Code.”

Editor’s notes.

Ga. L. 2013, p. 111, § 2/SB 160, not codified by the General Assembly, provides that: “It is the intent of the General Assembly that all public employers and contractors at every tier and level use the federal work authorization program on all projects, jobs, and work resulting from any bid or contract and that every public employer and contractor working for a public employer take all possible steps to ensure that a legal and eligible workforce is utilized in accordance with federal immigration and employment.”

Ga. L. 2024, p. 491, § 1/HB 1105, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Georgia Criminal Alien Track and Report Act of 2024.’”

Research References & Practice Aids

Law reviews.

For article on the 2013 enactment of this Code section, see 30 Ga. St. U.L. Rev. 173 (2013).

Hierarchy Notes:

O.C.G.A. Title 50

O.C.G.A. Title 50, Ch. 36