

# SENATE STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 212**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 22, 1996

The Senate State Government Committee reports favorably and with committee amendments Senate, No. 212.

This bill excludes illegal aliens from workers' compensation coverage unless they were lawfully admitted for permanent residence at the time the employment was performed, were lawfully present for the purpose of performing the employment, or otherwise were permanently residing in the United States under color of law at the time the employment was performed (including aliens who were lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. § 1153(a)(7) or 8 U.S.C. § 1128(d)(5), respectively).

The bill also provides that illegal aliens shall not be eligible to receive benefits pursuant to the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25) if they are not eligible for benefits pursuant to the "unemployment compensation law," R.S.43:21-1 et seq.

As amended by the committee, the bill also provides that any employer who knowingly employs a person who is an undocumented alien is guilty of a crime of the fourth degree and shall be subject to a fine of up to \$10,000 and the cost of any workers' compensation received by the undocumented alien for a first offense, and a mandatory term of imprisonment of six months for a second and each subsequent offense.

This bill is in response to the decision of Mateo Coria v. Board of Review and National Fence Systems, No. A-5076-89-T5 (App. Div. 1991). In that case, the Appellate Division of the New Jersey Superior Court held that the "Temporary Disability Benefits Law" does not disqualify individuals for benefits based upon their status as illegal aliens.

This bill was pre-filed for introduction in the 1996 session pending technical review. As reported, this bill includes the changes required by technical review, which has been performed.

## COMMITTEE AMENDMENTS

The committee amended the bill to provide that any employer who knowingly employs a person who is an undocumented alien is guilty of a crime of the fourth degree and shall be subject to a fine of up to \$10,000 and the cost of any workers' compensation received by the undocumented alien for a first offense, and a mandatory term of imprisonment of six months for a second and each subsequent offense.