



## 2026 South Dakota Legislature

# House Bill 1209

HOUSE STATE AFFAIRS ENGROSSED

Introduced by: **Representative Garcia**

1 **An Act to require employment verification eligibility through the e-verify program**  
2 **and to provide a penalty therefor.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That a NEW SECTION be added to chapter 60-2:**

5 Every employer, as defined in § 61-1-4, after hiring an employee, shall verify the  
6 employment eligibility of the employee through the United States Department of  
7 Homeland Security's e-verify program, and shall keep a record of the verification for the  
8 duration of the employee's employment.

9 **Section 2. That a NEW SECTION be added to chapter 60-2:**

10 The attorney general may, upon receipt of a complaint, investigate an alleged  
11 violation of section 1 of this Act. If the attorney general deems the complaint meritorious,  
12 the attorney general may recover a civil penalty of two-thousand dollars for each violation.  
13 The attorney general shall forward to the state treasurer for deposit in the general fund  
14 any civil penalty recovered pursuant to this section.

15 **Section 3. That a NEW SECTION be added to chapter 60-2:**

16 Any individual may not knowingly submit false information or documents to an  
17 employer to evade determination of employment eligibility under the e-verify program.  
18 A violation of this section is a Class 1 misdemeanor.