

2026 SESSION

INTRODUCED

26103703D

HOUSE BILL NO. 675

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:12, relating to protection of employees; coercion or threat based on immigration status; civil penalty.

Patron—Maldonado

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:12 as follows:

§ 40.1-28.7:12. Coercion or threat based on immigration status; civil penalty.

A. As used in this section:

"Coercion" means a threat to compel or induce a person to engage in conduct that the person has a legal right to abstain from or to abstain from conduct that the person has a legal right to engage in.

"Threat" means any implicit or explicit communication specifically pertaining to an employee's or an employee's family member's immigration status that is made by an employer to deter an employee from engaging in protected activities or exercising a right under this chapter or any rules issued by the Department pursuant to this chapter.

B. Notwithstanding the provisions of § 40.1-2.1, for the purposes of this section, "employer" shall include the Commonwealth and any of its agencies, institutions, or political subdivisions.

C. No employer shall use coercion or issue a threat to an employee based on immigration status in furtherance of committing a violation of any provision of Article 1.1 (§ 40.1-28.8 et seq.) or Article 2 (§ 40.1-29 et seq.), including rules issued by the Department pursuant to Article 1.1 (§ 40.1-28.8 et seq.) or Article 2 (§ 40.1-29 et seq.). In addition to any other penalty that may be imposed by the Department against an employer for such violation, an employer that uses coercion or issues a threat to an employee in furtherance of committing a violation of any provision of Article 1.1 (§ 40.1-28.8 et seq.) or Article 2 (§ 40.1-29 et seq.) shall be subject to a civil penalty pursuant to subsection F.

D. An employee who believes that he was subject to coercion or issued a threat by his employer based on the employee's immigration status may file a complaint with the Commissioner within 180 days of the alleged coercive action or threat.

E. The Commissioner shall have the authority to investigate complaints submitted under subsection D. Unless otherwise resolved, the Commissioner shall issue a notice of citation assessing a penalty or a closure letter no later than 90 days after the date on which the Commissioner received the complaint. The Commissioner may extend this 90-day time period by providing advance written notice to the employee and the employer setting forth good cause for an extension of the time period and specifying the duration of the extension. Such citation or closure letter shall contain a description of the alleged violation. The Commissioner shall send the citation assessing a penalty or closure letter to both the employer and the employee by certified mail. If the Commissioner's investigation finds that the employee's allegation cannot be substantiated, the Commissioner shall issue a closure letter to the employee and employer detailing such finding. Civil penalties assessed under this section shall be paid to the Commissioner for deposit in the general fund.

F. If the Commissioner determines the employer has violated this section, the Commissioner shall assess a civil penalty for each act of coercion or threat issued in the following amounts:

1. For the first violation, a civil penalty not to exceed \$5,000;
2. For the second violation, a civil penalty not to exceed \$9,000; and
3. For any subsequent violation, a civil penalty not to exceed \$12,000.

Each act of coercion or threat issued against each affected employee shall constitute a separate violation of this section. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation.

G. If, during an investigation of any other complaint, the Commissioner discovers information that suggests an employer has used coercion or issued a threat against an employee based on immigration status, the Commissioner may investigate and take appropriate enforcement action without requiring the employee to file a new or separate complaint.

H. The Commissioner or his authorized representative shall have the right to petition a circuit court for injunctive or such other relief as may be necessary for enforcement of this section.

INTRODUCED

HB675